



भारत का राजपत्र

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No. 8। NEW DELHI, FEBRUARY 14—FEBRUARY 20, 2010, SATURDAY/MAGHA 25—PHALGUNA 1, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 8 फरवरी, 2010

का.आ. 476.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे सारणी के स्तम्भ (1) में वर्णित अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों की रैक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोगन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तम्भ (2) में तत्स्थानी प्रविष्टियों में विनिर्दिष्ट सरकारी स्थानों की बावत अपनी-अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेंगे, अर्थात् :—

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
1. द्वितीय कमान अधिकारी राष्ट्रीय सुरक्षा गार्ड रीजनल हब, त्रिमुलगेरी, हैदराबाद (आन्ध्र प्रदेश)	त्रिमुलगेरी, हैदराबाद (आन्ध्र प्रदेश) स्थित राष्ट्रीय सुरक्षा गार्ड के परिसर ।
2. द्वितीय कमान अधिकारी, राष्ट्रीय सुरक्षा गार्ड रीजनल हब, मरोल तुनगवे, मुम्बई (महाराष्ट्र)	मरोल तुनगवे, मुम्बई (महाराष्ट्र) स्थित राष्ट्रीय सुरक्षा गार्ड के परिसर ।
3. द्वितीय कमान अधिकारी, राष्ट्रीय सुरक्षा गार्ड रीजनल हब, बांदू निकट एन.एस.सी.बी.आई. हवाई अड्डा कोलकाता (पश्चिम बंगाल)	बांदू निकट एन.एस.सी.बी.आई. हवाई अड्डा कोलकाता (पश्चिम बंगाल) स्थित राष्ट्रीय सुरक्षा गार्ड के परिसर ।

(1)

(2)

4. द्वितीय कमान अधिकारी, राष्ट्रीय सुरक्षा गार्ड रीजनल हब,
नेटुंगुडम, जिला-कान्चीपुरम, चैन्नई (तमिलनाडू)

नेटुंगुडम, जिला-कान्चीपुरम, चैन्नई (तमिलनाडू) स्थित
राष्ट्रीय सुरक्षा गार्ड के परिसर।

[फा. सं. एल-3001/19/2009/रा.सु.गा.]

वर्णन कुमार साहू, निदेशक (कार्यालय)

MINISTRY OF HOME AFFAIRS

New Delhi, the 8th February, 2010

S.O. 476.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the table below, being the officers equivalent to the rank of Gazetted Officers of the Government, to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers, by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the table, namely :—

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. Second-in-Command, National Security Guard Regional Hub, Trimulgherry, Hyderabad, Andhra Pradesh.	National Security Guard Premises at Trimulgherry, Hyderabad, Andhra Pradesh.
2. Second-in-Command, National Security Guard Regional Hub, Marol Thungvey, Mumbai, Maharashtra.	National Security Guard Premises at Marol Thungvey, Mumbai, Maharashtra.
3. Second-in-Command, National Security Guard Regional Hub, Badu Near NSCBI Airport, Kolkata West Bengal.	National Security Guard Premises at Badu Near NSCBI Airport, Kolkata, West Bengal.
4. Second-in-Command, National Security Guard Regional Hub, Nedungundram, District,- Kanchipuram, Chennai, Tamil Nadu.	National Security Guard Premises at Nedungundram, District-Kanchipuram, Chennai, Tamil Nadu.

[F. No. L-3001/19/2009/NSG]

BARUN KUMAR SAHU, Director (Pers)

कार्यालय, लोक शिकायत तथा पेंशन मंत्रालय

(कार्यालय और प्रशिक्षण विभाग)

नई दिल्ली, 3 फरवरी, 2010

का. आ. 477.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मणिपुर राज्य सरकार, गृह विभाग, इम्फाल की अधिसूचना सं. 2/8(2)/2009-एच.(एल.एंड ओ.) दिनांक 22-1-2010 द्वारा प्राप्त सहमति से चुंगखाम सनजीत मैतेर्इ की बी.टी.रोड, इम्फाल में दिनांक 23-7-2009 को पुलिस मुठभेड़ में हुई मृत्यु के संबंध में भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 302, 326, 307, 506 सपष्टित धारा 17/20 के अंतर्गत अवैध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का अधिनियम सं. 37) तथा सरास्र अधिनियम, 1959 (1959 का अधिनियम सं. 54) की धारा 25 (1-बी.) के अंतर्गत सिटी पुलिस स्टेशन, जिला इम्फाल में पंजीकृत एफ.आई.आर. सं. 75 (7)/2009 का अन्वेषण करने तथा उसी संब्वहार के अनुक्रम में किए गए अपराध से संबंधित अथवा संस्कृत प्रयत्नों, दुष्कर्ताओं और घड़यत्रों और अथवा उन्हों तथ्यों से उद्भूत किन्हों अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण मणिपुर राज्य के संबंध में करती है।

[सं. 228/6/2010 ए वी डी-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 3rd February, 2010

S.O. 477.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State

Government of Manipur, Home Department, Imphal vide Notification No. 2/8(2)/2009-H(L&O) dated 22-1-2010 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Manipur for investigation of Case FIR No. 75(7)/2009 registered at City Police Station, District Imphal, U/s 302/326/307/506 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 17/20 Unlawful Activities (Prevention) Act, 1967 Act (Act No. 37 of 1967) and Section 25 (1-B) Arms Act 1959 (Act No. 54 of 1959) relating to death of Chungkham Sanjit Meitei in a Police Encounter on 23-07-2009 at B.T. Road, Imphal and attempts, abetments and conspiracy in relation to or in connection with above mentioned offences and any other offence/offences committed in the course of same transaction arising out of same facts.

[No. 228/6/2010-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 4 फरवरी, 2010

का. आ. 478.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तराखण्ड राज्य सरकार, गृह अनुभाग-। की दिनांक 10 नवंबर, 2009 की अधिसूचना 911/XX (1) 146/सीबीआई/2009 द्वारा प्राप्त सहमति से श्री आनंद प्रकाश, सहायक अधिगंता, पी.डब्ल्यूडी के अपहरण के संबंध में पुलिस स्टेशन कोतवाली, उत्तरकाशी, जिला-उत्तरकाशी, उत्तराखण्ड में भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 364 के अधीन दर्ज अपराध सं. 75/2009 के अन्वेषण के संबंध में और उसी संव्यवहार के अनुक्रम में किए गए इयासों, दुष्प्रेरणों और षड्यंत्रों अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराध/अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण उत्तराखण्ड राज्य के सम्बन्ध में करती है।

[सं. 228/6/2009-ए वी डी-II]

चन्द्र प्रकाश, अवर सचिव

New Delhi, the 4th February, 2010

S.O. 478.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Uttarakhand, Home Section - I vide Notification No. 911/XX(1) 146/CBI/2009 dated 10th November, 2009, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttarakhand for investigation of Crime No. 75/2009 under section 364 of the Indian Penal Code 1860 (Act. No. 45 of 1860) registered at Police Station Kotwali Uttarkashi, District Uttarkashi, Uttarakhand relating to the kidnapping of Shri Anand Prakash, Assistant Engineer, P.W.D. and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/6/2009-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 4 फरवरी, 2010

का. आ. 479.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पश्चिम बंगाल राज्य सरकार, गृह (पुलिस) विभाग, गुप्त अनुभाग की अधिसूचना सं. 1822-पी.एस. दिनांक 29 दिसंबर, 2009 द्वारा प्राप्त सहमति से बैसनाब नगर, बीएसएफ कैम्प, फरकका में एनूल हक और सुल्तान मियां के कब्जे से राजस्व आसूचना निदेशालय, कोलकाता द्वारा दिनांक 11-09-2009 को जब्त किए गए नकली भारतीय करंसी नोट 2,00,000 रुपए (रुपए दो लाख) के संबंध में भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 489-बी, 489-सी संपत्ति धारा 120-बी के अधीन दिनांक 09-11-2009 की शिकायत संख्या डीआरआईएफ सं. 112/कोलकाता/2009(पी)/3335 के अन्वेषण के लिए तथा उसी संव्यवहार के अनुक्रम में किए गए अपराध से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षट्यंत्रों और अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण पश्चिम बंगाल राज्य के संबंध में करती है।

[सं. 228/5/2010-ए वी डी-II]

चन्द्र प्रकाश, अवर सचिव

New Delhi, the 4th February, 2010

S.O. 479.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State

Government of West Bengal, Home (Police) Department, Secret Section vide Notification No. 1822-P.S. dated 29th December, 2009, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of West Bengal for investigation of Complaint No. DRIF. No. 112/KOL/2009(P)/3335 dated 09-11-2009 under Sections 489-B, 489-C read with section 120-B of the Indian Penal Code, 1860 (Act No. 45 of 1860) relating to Fake Indian Currency Notes of Rs. 2,00,000 (Rupees Two lacs) seized on 11-9-2009 by the Directorate of Revenue Intelligence, Kolkata from the possession of Ainul Haque and Sultan Miyan at Baisnab Nagar, B.S.F. Camp, Farakka and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence/offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/5/2010-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 12 फरवरी, 2010

का.आ. 480.—बीमांकक अधिनियम, 2006 (2006 का 35) की धारा 26 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री ललित कुमार, निदेशक (बीमा), वित्तीय सेवाएं विभाग को अगले आदेश होने तक, सुश्री सुकृति लिखी, निदेशक, वित्तीय सेवाएं विभाग की जगह भारतीय बीमांकक संस्थान परिषद द्वारा गठित अनुशासन समिति के सदस्य के रूप में नामित करती है।

[फा. सं. 97(11)/2003-बीमा-III]

ज. एस. एस. शास्त्री, उप सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 12th February, 2010

S.O. 480.—In exercise of the powers conferred by sub-section (1) of Section 26 of the Actuaries Act, 2006 (35 of 2006), the Central Government hereby nominates Shri Lalit Kumar, Director (Insurance), Department of Financial Services as Member on the Disciplinary Committee constituted by the Council of the Institute of Actuaries of India till further orders vice Ms. Sukriti Likhi, Director, Department of Financial Services.

[F. No. 97(11)/2003-Ins. III]

J.S.S. SASTRY, Dy. Secy.

विदेश मंत्रालय

(सीपीबी प्रभाग)

नई दिल्ली, 18 जनवरी, 2010

का.आ. 481.—राजनयिक और कौंसलायी ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में, केंद्र सरकार एतद्वारा श्री सुशोवन गोस्वामी, सहायक, श्रीमति कमलदीप खना अपर श्रेणी लिपिक और थौमस मैथ्यू, सहायक को 18-1-2010 से भारत के कौंसलावास, दुबई में सहायक कौंसलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 18th January, 2010

S.O. 481.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Sushovan Goswami, Assistant, Smt. Kamal Deep Khanna, UDC and Shri Thomas Mathew, Assistant in the Consulate General of India, Dubai to perform their duties of Assistant Consular Officers with effect from 18-1-2010.

[No. T.4330/1/2006]

R.K. PERINDIA, Under Secy. (Consular)

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 18 जनवरी, 2010

का.आ. 482.—केन्द्रीय सरकार भारतीय दंत चिकित्सा परिषद से परामर्श करने के बाद दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; अर्थात् :

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग -I में पदमश्री डॉ. डी.वाई पाटिल मानद विश्वविद्यालय, नवी मुंबई, महाराष्ट्र प्रदत्त डेंटल डिप्रियों को मान्यता देने के संबंध में क्रम संख्या 66 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में डॉ. डी. वाई, पाटिल डेंटल कॉलेज एंड हॉस्पिटल, नेरुल, नवी मुंबई के बारे में निम्नलिखित प्रविष्टियां उसके अंतर्गत रखी जाएंगी :—

“VIII. पेडोडोन्टिक्स

(यदि यह 12-06-2009 को अथवा उसके उपरान्त प्रदान की गई हो)

एम डी एस (पेडो.), पदमश्री डॉ. डी.वाई पाटिल मानद विश्वविद्यालय, नवी मुंबई महाराष्ट्र”

[सं. वी. 12017/19/2003-डी ई]

आर. शंकरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 18th January, 2010

S.O. 482.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, Makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against 1 of Serial No. 66, in respect of Dr. D.Y. Patil Dental College-& Hospital, Nerul, Navi Mumbai, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Padmashree Dr. D.Y. Patil Deemed Univiversity, Navi Mumbai, Maharashtra, the follwing entries shall be inserted thereunder :—

“viii. Pedodontics
(if granted on or after 12-06-2009)

MDS (Pedo.), Padmashree Dr. D.Y. Patil Deemed University, Navi Mumbai, Maharashtra”

[F.No. V. 12017/19/2003-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 21 जनवरी, 2010

का.आ. 483.—केन्द्रीय सरकार भारतीय दंत चिकित्सा परिषद से परामर्श करने के बाद दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस मंत्रालय के दिनांक 29-09-2009 की समसंख्यक अधिसूचना का अधिकरण करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; अर्थात् :

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग -I में महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय नासिक द्वारा प्रदत्त डेंटल डिप्रियों को मान्यता देने के संबंध में क्रम संख्या 60 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में नायर अस्पताल दंत चिकित्सा महाविद्यालय मुंबई के बारे में निम्नलिखित प्रविष्टियां उसके अंतर्गत रखी जाएंगी :—

“ दंत चिकित्सा निष्पात

प्रोस्थोडोन्टिक्स
(जब 25-06-2009) को या उसके बाद प्रदान की गई हो)
ओरल मेडिसिन एंड रेडियोलॉजी
(जब 11-07-2009) को या उसके बाद प्रदान की गई हो)
(पेरियोडोन्टिक्स)
(जब 09-07-2009) को या उसके बाद प्रदान की गई हो)
ओरल सर्जरी
(जब 08-07-2009) को या उसके बाद प्रदान की गई हो)
संरक्षण दंत चिकित्सा
(जब 07-07-2009 को उसके बाद प्रदान की गई हो)

एम डी एस (प्रोस्थोडोन्टिक्स), महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक
एम डी एस (ओरल मेड.), महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक
एम डी एस (पेरियोडोन्टिक्स), महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक
एम डी एस (ओरल सर्जरी), महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक
एम डी एस (संरक्षण दंत चि. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक”

[सं. वी. 12018/1/2009-डी ई]

आर. शंकरन, अवर सचिव

New Delhi, the 21st January, 2010

S.O. 483.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, and in supersession of this Ministry's Notification of even No. dated 29-9-2009 hereby, Makes the following amendments in Part-I of the Schedule to the said Act, namely :

2. In the existing entries of column 2 & 3 against 1 of Serial No. 60, in respect of Nair Hospital Dental College Mumbai, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University, of Health Sciences, Nashik, the following entries shall be inserted thereunder :—

“Master of Dental Surgery”

Prosthodontics	MDS (Prostho), Maharashtra
(if granted on or after 25-06-2009)	University of Health Sciences, Nashik
Oral Medicine & Radiology	MDS (Oral Med.), Maharashtra University of Health
(if granted on or after 11-07-2009)	Sciences, Nashik
Periodontics	MDS (Perio.), Maharashtra
(if granted on or after 09-07-2009)	University of Health Sciences, Nashik
Oral Surgery	MDS (Oral Surgery), Maharashtra
(if granted on or after 08-07-2009)	University of Health Sciences, Nashik
Conservative Dentistry	MDS (Cons. Dent.), Maharashtra
(if granted on or after 07-07-2009)	University of Health Sciences, Nashik ”

[No. V. 12018/1/2009-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 3 फरवरी, 2010

का.आ. 484.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है; अर्थात् :—

उक्त प्रथम अनुसूची में “डा. एन. टी. आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आन्ध्र प्रदेश” के सामने ‘मान्यता प्राप्त चिकित्सा अर्हता’ [स्तम्भ (2) में] शीर्षक के अन्तर्गत और “पंजीकरण के लिए संक्षेपण” [स्तम्भ (3) में] शीर्षक के अन्तर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

2

बैचलर ऑफ मेडिसन एंड
बैचलर ऑफ सर्जरी

3

एम. बी. बी. एस

यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह डा. एन. टी. आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आन्ध्र प्रदेश द्वारा जी एस एल मेडिकल कॉलेज एंड जनरल हास्पिटल, राजमुंद्री, आंध्र प्रदेश में प्रशिक्षित छात्रों के संबंध में मई, 2009 के बाद प्रदान की गई हो।

[सं. यू. 12012/76/2002-एम ई (नीति-II)]

के. बी. एस. राव, उप सचिव

New Delhi, the 3rd February, 2010

S.O. 484.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against “Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh” under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading “Abbreviation for Registration ” [in column (3)], the following shall be inserted, namely :—

Bachelor of Medicine and
Bachelor of Surgery

M.B.B.S. (This shall be a recognized medical qualification when granted by Dr. NTR University of Health Sciences, Vijaywada Andhra Pradesh after May, 2009 in respect of students trained at GSL Medical College & General Hospital, Rejahmundry, Andhra Pradesh)

[No.U.12012/76/2002-ME(P-II)]

K. V. S. RAO, Dy. Secy

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 10 फरवरी, 2010

का.आ. 485.—रेल मंत्रालय (रेलवे बोर्ड) राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में पश्चिम-मध्य रेलवे के भोपाल मंडल के तथा दक्षिण-पूर्व-मध्य रेलवे के नियमित कार्यालयों को जहां 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करता है :—

पश्चिम-मध्य रेलवे (भोपाल मंडल)

क्रम संख्या कार्यालय का नाम

1. हबीबगंज रेलवे स्टेशन
दक्षिण-पूर्व-मध्य रेलवे (बिलासपुर)
1. मंडल रेल प्रबंधक कार्यालय, रायपुर
2. सामान्य भंडार डिपो (जी एस डी), रायपुर

[सं. हिंदी-2009/रा.भा.-1/12/2]

संसार चंद, निदेशक राजभाषा, (रेलवे बोर्ड)

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 10th February, 2010

S.O. 485.—Ministry of Railways (Railway Board), in pursuance of sub rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purposes of the Union) hereby, notify the following Offices of Bhopal Division of West-Central Railway and South-East-Central Railway, where 80% or more Officers/Employees have acquired the working knowledge of Hindi :—

West-Central Railway (Bhopal Division)

Sl No- Name of the Office

1. Railway Station, Habibganj

South-East-Central Railway, Bilaspur

Sl. No. Name of the Office

1. D. R. M. Office, Raipur

2. General Store Depot (G. S. D.), Raipur

[No. Hindi-2009/O.L.1/12/2]

SANSAR CHAND, Director (O.L.), Railway Board

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूर संचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 3 फरवरी, 2010

का.आ. 486.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 (4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :-

मुख्य महाप्रबंधक, ब्राडबैंड नेटवर्क परिमंडल,

भारत संचार निगम लिमिटेड, सी.टी.एस. कम्प्याउंड,

नेताजी नगर, नई दिल्ली

[सं. ई-11016/1/2009-रा.भा.]

सुधा श्रेत्रिय, संयुक्त सचिव (प्रशासन)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

(O.L. Section)

New Delhi, the 3rd February, 2010

S.O. 486.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union), rules, 1976 (as amended-1987), the Central Government hereby notifies the following Office under the administrative control of Ministry of Communications and Information Techonology, Department of Telecommunications whereof more than 80 % of staff have acquired working knowledge of Hindi :

Chief General Manager, Broadband Network Circle,

Bharat Sanchar Nigam Limited, CTS Compound,

Netaji Nagar, New Delhi

[No. E.-11016/1/2009-O.L.]

SUDHA SHROTRIA, Jt. Secy. (Admn.)

नई दिल्ली, 11 फरवरी, 2010

का.आ. 487.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 (4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :-

कार्यकारी निदेशक, महानगर टेलीफोन निगम लिमिटेड, मुम्बई

महाप्रबंधक (पूर्व-II) महानगर टेलीफोन निगम लिमिटेड, मुम्बई

[सं. ई-11016/1/2009-रा.भा.]

सुधा श्रेत्रिय, संयुक्त सचिव (प्रशासन)

New Delhi, the 11th February, 2010

S.O. 487.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union), rules, 1976 (as amended-1987), the Central Government hereby notifies the following Office under the administrative control of Ministry of Communications and Information Techonology, Department of Telecommunications whereof more than 80 % of staff have acquired working knowledge of Hindi:

Executive Director, Mahanagar Telephone Nigam Limited, Mumbai

General Manager (East-II) Mahanagar Telephone Nigam Limited, Mumbai

[No. E.-11016/1/2009-O.L.]

SUDHA SHROTRIA, Jt. Secy. (Admn.)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण बंद्रालय

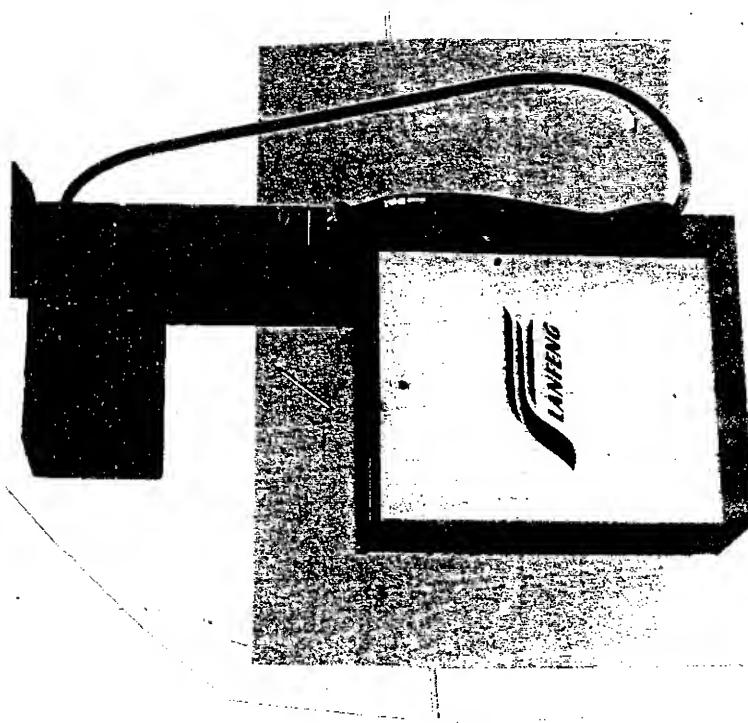
(उपभोक्ता मामले विभाग)

नई दिल्ली, 20 जनवरी, 2010

का.आ. 488.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट और इस उद्देश्य के लिए वाइक गवर्नरेंट, सेट जनरल एडमिनिस्ट्रेशन फॉर क्वालिटी सुपरविजन एंड इस्पैक्शन एंड क्वारंटाइन (ए क्यू एस आई एम), भार्डिंगमॉडलू, हैंडन, पी.आ. वाहन नं. 8010, 100088 बीजिंग द्वारा अनुमोदित और स्वीकृत परिणामों और पैटर्न मूल्यांकन रिपोर्ट पर विज्ञार करने के लिए यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 103 वाइ.पाइ. और माप मानक मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि ताकात द्वारा प्रयोग की अवधि गो. वी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उपधारा (7) और उपधारा (8) के तीसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए मैसर्स डिजिआंग लानफेंग मशीन कं. लि., नं. 2 माइनॉर डिस्ट्रिक्ट आफ दी हाई-टैक प्लॉक, वेंजिहोउ इंकांन-टैक उबलपर्मेंट जोन, वेनझोय, डिजिआंग प्रोविंस, 325011, पी.आर. चाइना द्वारा विनिर्मित और मैसर्स कोफिंग्स पेट्रोलियम इंडिया लि., 404 सत्यम अपार्टमेंट, 8, वर्धा रोड धानटोली, नामपुर-12 भारत द्वारा भारत में विपणीत यथार्थता वर्ग 0.5 लालं जिसके भावं ३० जार 'लानफेंग' है और "जेडीके" शृंखला के पानी के अलावा अन्य द्रव्यों हेतु मापन सिस्टम (एलपीजी डिस्पैंसर) है (जिसे इसमें इसके परचात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/411 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक फ्यूल डिस्पेंसर है जो "पानी के अलावा अन्य द्रव्यों हेतु मापन सिस्टम" का एक भाग है जिसका प्रयोग लिनियर डाइड्रोकार्बस और अन्य संसाधित द्रव्यों को मापने के लिए किया जाता है। इसकी अधिकतम फ्लो दर 50 लीटर/मिनट और न्यूनतम फ्लो दर 5 लीटर/मिनट है। इसका अधिकतम यूनिट मूल्य (अंकों की संख्या) 4 है और अधिकतम देय मूल्य (अंकों की संख्या) 6 है। इसकी अधिकतम कुल वैल्यू या मूल्य (अंकों में संख्या) 12 है। इसका परिचालन तापमान रेंज 25°सें. से + 55°सें. के बीच होता है। ओआईएमएल डार. 117 के अनुसार मॉडल का परीक्षण किया गया है। उपकरण 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट की सीलिंग के अतिरिक्त, नट और बोल्ट जिन्हें सील से जोड़ा गया है, सीलिंग बाहर निकाल कर सीलिंग की जाती है। लीड सील तोड़े बिना केलिब्रेशन व्हील तक नहीं पहुंचा जा सकता। प्लसर लाइसेंस पर लगी लीड सील जो तोड़े बिना इलेक्ट्रोनिक केलिब्रेशन तक नहीं पहुंचा जा सकता।

[फा. मं. डब्ल्यू.एम-21 (173)/2008]
आर. भाष्यवृथ्यम, निदेशक, विभिन्न वापर विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

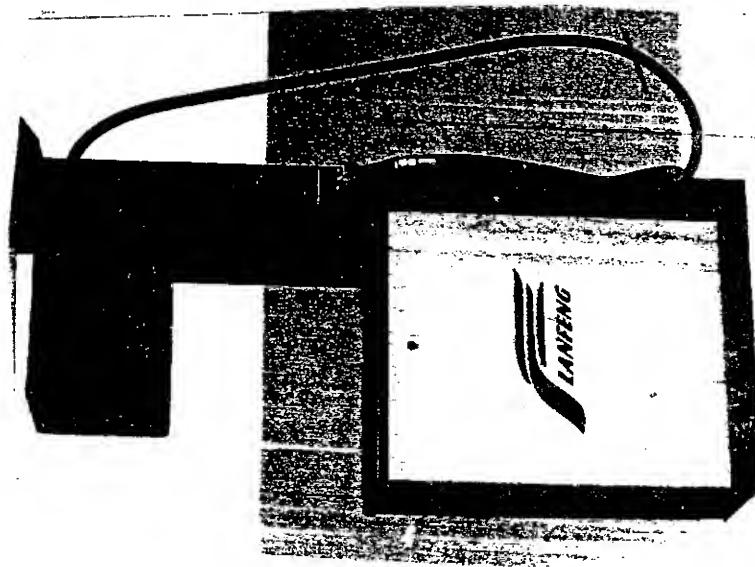
(Department of Consumer Affairs)

New Delhi, the 20th January, 2010

S.O. 488.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the pattern evaluation report and also the test report and the test results granted and approved by the China Government, State General Administration for Quality Supervision and Inspection and quarantine (AQSIQ), Madiandonglu, haiden, P.O. Box No. 8010, 100088 Beijing a notified body for the purpose in the China, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Measuring System for Liquids Other Than Water (LPG Dispenser) with accuracy class 0.5 with brand name 'LANFENG' and of series "JDK" series (hereinafter referred to as the model), manufactured by M/s. Zhejiang Langeng Machine Co., Ltd. No. 2 Minor District of the Hi-Tech Park, Wenzhou Econ-Tech Development Zone, Wenzhou, Zhejiang Province, 325011, P.R. CHINA and marketed in India by M/s Confidence Petroleum India Ltd., 404 Satyam Apts, 8, Wardha Road, Dhantoli, Nagpur-12, India and which is assigned the approval mark IND/09/09/411;

The said model is a fuel dispenser which is part of the "Measuring System for liquids other than water" used for measurement of liquid hydrocarbons and other processed fluids. Its maximum flow rate range is 50 Litre/min and minimum flow rate is 5 litre/min. It has maximum unit price (number of digits) is 4 and maximum price to pay (number of digits) is 6. It maximum total volume or price (number of digits) is 12. The operating temperature range is from - 25°C to + 55°C. The test has been conducted according to OIML R 117. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done by passing sealing wire through the nut and bolt assembly plugged by a seal. The calibration wheel can not be accessed without breaking the lead seal. The electronic calibration can not be accessed without breaking the lead seal on the pulsar bracket.

[F. No. WM-21 (173)/2008]

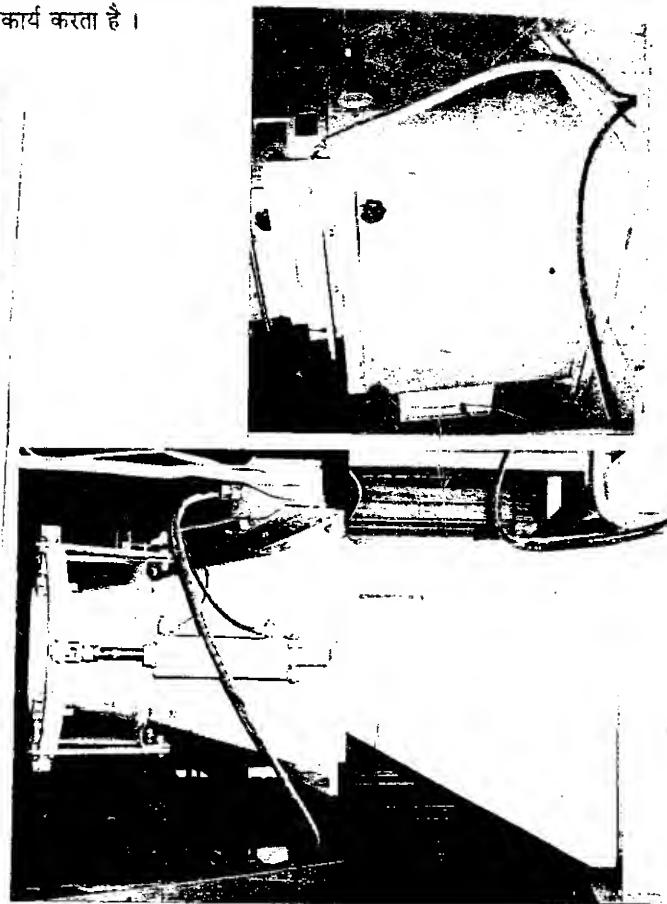
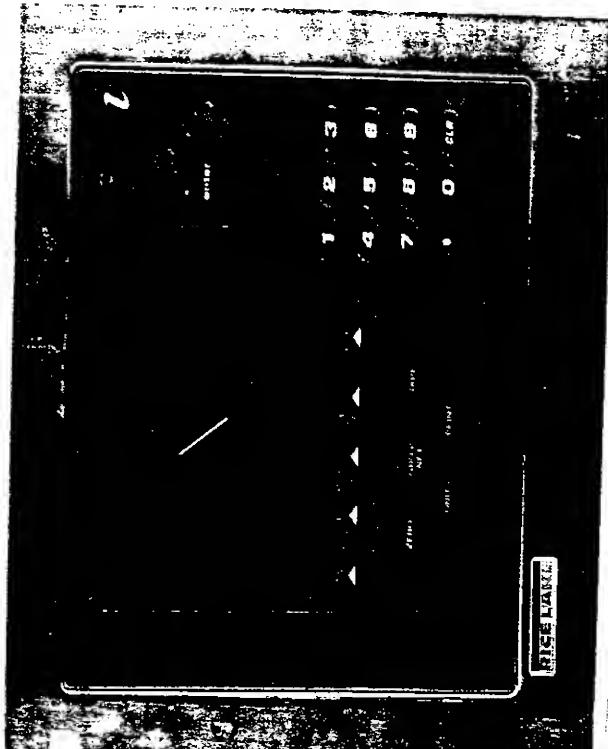
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जनवरी, 2010

का.आ. 489.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार इयोंग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स रिड मिडवे पेकेजिंग कं. ऑफ इंडिया प्रा.लि., प्लाट नं. 5 ई, सैक्टर-4 बल्लभगढ़, हरियाणा-121 004 द्वारा विनिर्भृत यथार्थता वार्ग X (1) के 'ई' श्रृंखला के अंकक सूचन सहित स्वचालित ग्रविमेट्रिक फिलिंग इंस्ट्रुमेंट (वेगिंग मशीन) जिसके ब्राण्ड का नाम "रिड मिडवे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/313 समनुदेशित किया गया है, अनुमोदन प्रभाण-पत्र जारी करती है।

उक्त भॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रीक फिलिंग इंस्ट्रमेंट (बोर्डेंग भरशीन) है। इसकी अधिकतम क्षमता 50 कि.ग्रा. है। इसकी अधिकतम भरण दर 20 फिल्स प्रति मिनट है। भरशीन को सुकृत प्रदाह जैसे दात्तें, अनाज, मसाले, दाय, चीनी, चावल, बीज आदि भरने के लिए डिजाइन किया गया है। प्रकारा उत्सर्जक डायोड (एल सी डी) तेलनन परिणाम उपर्याप्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदान पर कार्य करता है।



स्टाम्प और सीलिंग के सत्यापन के लिए इंडीकेटर के पीछे बायाँ तरफ नट और बोल्ट में दो छेद बनाकर लीड वायर से बांधा जाता है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी क्षमता 10 कि.ग्रा. से 100 कि.ग्रा. तक की रेंज में है।

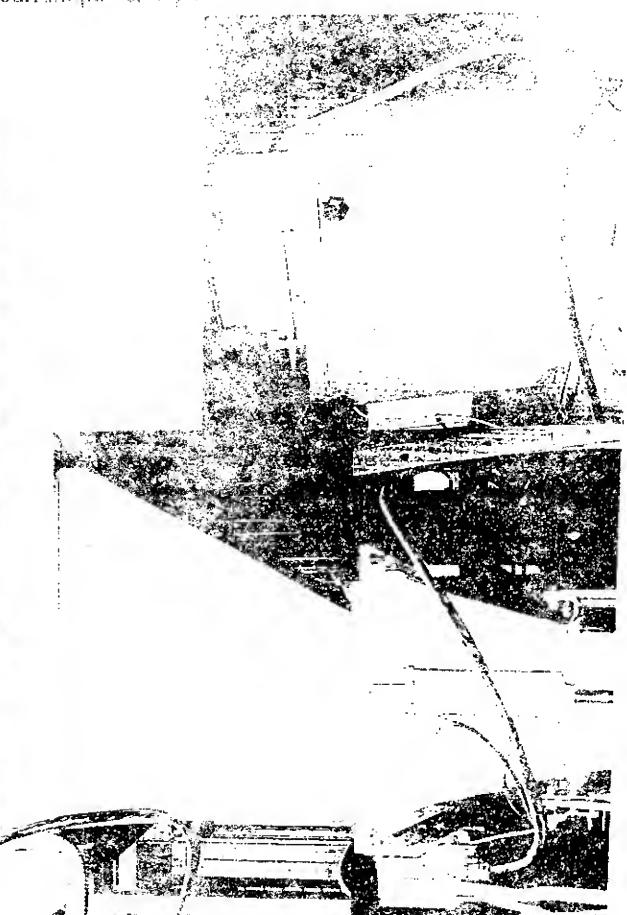
[फा. सं. डब्ल्यू एम-21 (143)/2008]

New Delhi, the 20th January, 2010

U.O. 380.—Whereas the Central Government, after considering the report submitted by the Director of Legal Metrology, is satisfied that the model described in the said report (see the figures given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Rules of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of time and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby certifies and publishes the certificate of approval of the Model of Automatic Gravity Filling Instrument (Bagging Machine) belonging to accuracy class X (M-1, 'E' scale) and digital indicator "200" with serial number "DWAY" (herein referred to as the said Model), manufactured by Mr. S. V. Hukkerappa, 10, Sector 10, Plot No. 5E, Sector 4, Pallekheri, Haryana-121 004 and which is used for dispensing dry materials.

The said model is a strain gauge type load cell based Automatic Gravity Filling Instrument and it is of such a maximum capacity is 50kg. Its maximum fill rate is 20 fills per minute. The machine is designed for filling dry materials like pulses, grain, spices, tea, sugar, rice, seeds etc. The liquid crystal display (LCD) panel of the weighing machine instruments operates on 230V, 50Hz alternative current power supply.



On the left side of the indicator two holes are made through nuts and bolts and fastened by leaded wire for sealing the verification stamp and seal. The indicator can not be opened without opening the seal.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 10kg to 100kg manufactured by the said manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (143)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

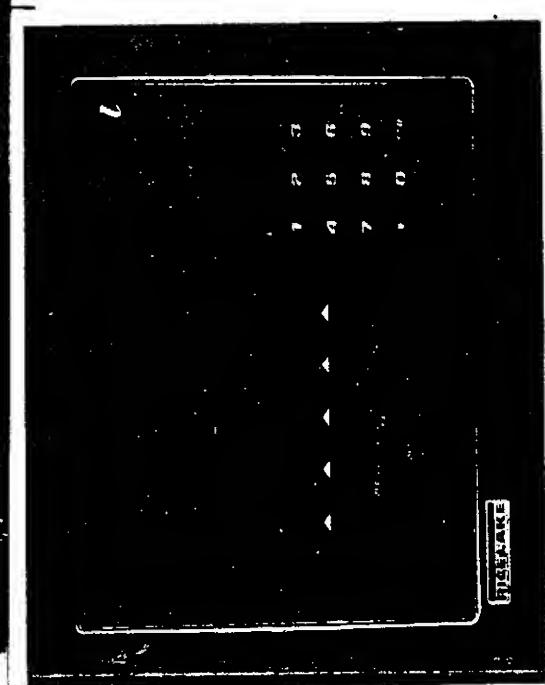
नई दिल्ली, 20 जनवरी, 2010

का.आ. 490.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (चींच दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योगों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, प्रदत्त मैसर्स रिड मिडवे पेकेजिंग कं. ऑफ इंडिया प्रा. लि., प्लाट नं. 5 ई, सैक्टर-4 बत्लभग्ड, हरियाणा-121 004 द्वारा विनिर्मित यथार्थता वर्ग X (1) के 'पी एफ' शृंखला के अंकक सूचन सहित स्वचालित ग्रेविमेट्रिक फिलिंग इंस्ट्रमेंट (वेर्गिंग मशीन) जिसके ब्रांड का नाम "रिड मिडवे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/314 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग इंस्ट्रमेंट (वेर्गिंग मशीन) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है। इसकी अधिकतम भरण दर 10 फिल्स प्रति मिनट है। मशीन को मुक्त प्रवाह जैसे दालें, अनाज, मसाले, चाय, चीनी, चावल, दीज आदि भरने के लिए डिजाइन किया गया है। वैक्यूम फ्लोरेंस डायोड (वी एफ डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

म्याम्प और सीरिंग के सत्यापन के लिए इंटीकेटर के पीछे बायीं तरफ नट और बोल्ट में दो छेद बनाकर लीड वायर से बांधा जाता है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी क्षमता 100 कि.ग्रा. से 3,000 कि.ग्रा. तक की रेंज में है।

New Delhi, the 20th January, 2010

S.O. 490.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument (Bagging Machine) belonging to accuracy class X(I) of 'PF' series with digital indicator 920i and made by the "REED MEDWAY" (herein referred to as the said Model), manufactured by M/s. Reed Medway Packaging Co. of India Private Ltd., Plot No. 5E, Sector 4, Ballabgarh, Haryana-121 004 and which is assigned the approval mark IND.G.198.3.

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Bagging Machine). Its maximum capacity is 1,000kg. Its maximum fill rate is 10 fills per minute. The machine is designed for filling the free flowing products like pulses, grains, spices, tea, sugar, rice, seeds etc. The liquid crystal display (LCD) indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

On the left side of the indicator two holes are made through nuts and bolts and fastened by leaded wire for receiving the verification stamp and seal. The indicator can not be opened without opening the seal.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 100kg. to 3,000kg. manufactured by the same manufacturers in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

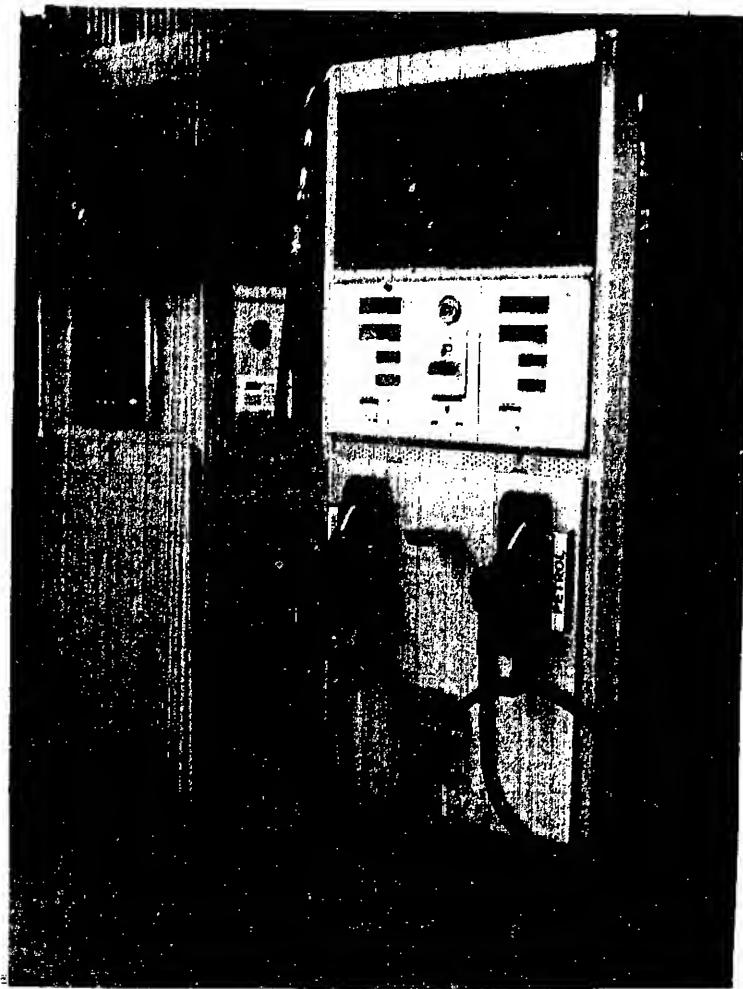
[F. No. WM-21 (143)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जनवरी, 2010

का.आ. 491.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने वे पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स मिडको लिमिटेड, मेट्रो एस्टेट, विद्यानगरी मार्ग, कलीना, सान्ताक्रुज (पूर्व), मुंबई, महाराष्ट्र द्वारा अंकक सूचन सहित “एमएमएस” शृंखला के इलेक्ट्रोनिक डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्रांड का नाम “मिडको एमएमएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/566 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक इलेक्ट्रोनिक डिस्पेंसिंग पम्प है और दो पिस्टन टाइप पोजिटिव डिस्प्लेसमेंट मीटर सहित नॉन-रिवर्सिबल इलेक्ट्रोमैकेनीकल दोटलाइजर है। इसकी अधिकतम क्षमता 9999.99 लीटर है, अधिकतम राशि प्रदर्शित 99999.99 रुपए, दर 999.99 रुपए और न्यूनतम इकाई 10 एलएल है। माप का संकेत लिकिड क्रिस्टल डायोड (एल सी डी) पर प्रदर्शित होता है। उपकरण 230 वोल्ट्स, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसकी प्रवाह दर प्री-सैट सुविधा सहित 70 लिटर प्रति मिनट है। मॉडल में आरएस 485 पॉर्ट आटोमेशन प्रोटोकॉल सरलीकरण के लिए है।

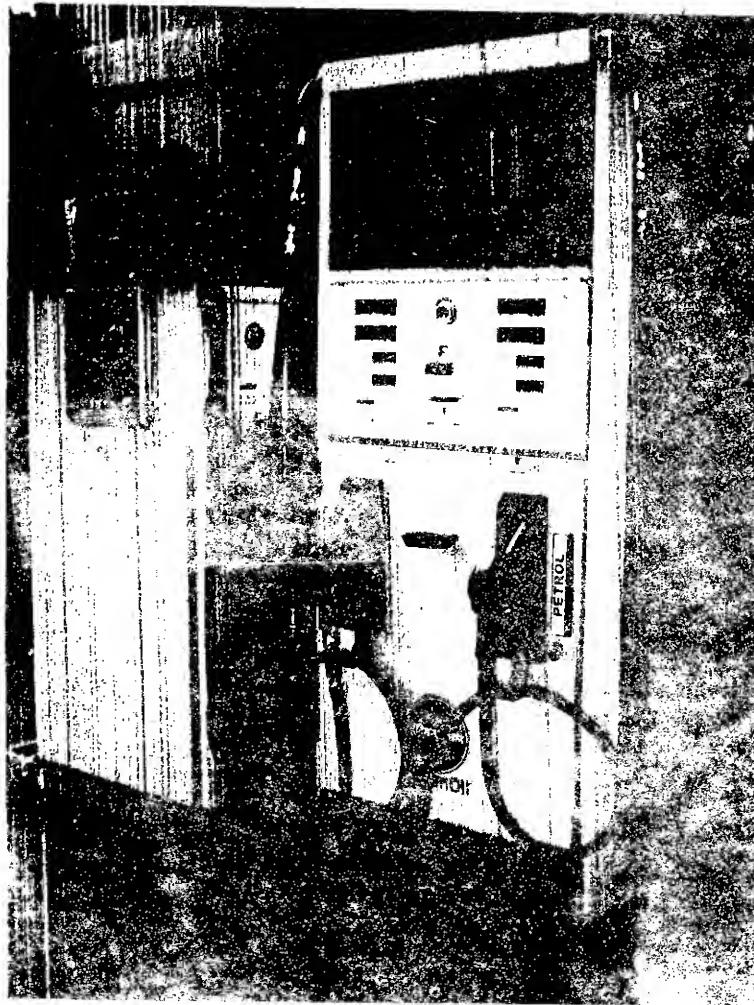
केलिब्रेशन स्क्रू सिंगल वायर से सील किया गया है। इलेक्ट्रोनिक केलिब्रेशन डिप स्विच फेब्रीकेटिड कवर से कवर किया गया है और दोटलाइजर के साथ सिंगल वायर से सील किया गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

[फा. सं. डब्ल्यू एम-21(199)/2008]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th January, 2010

S.O. 491.—Whereas the Central Government, after considering a report submitted to it by the present authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (3) and sub-sections (7) and (8) of Section 13 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Fleet-aid Dispensing Pump with digital indication of "MMS" Series and brand name 'MIDCO MMS' (hereinafter referred to as the model), manufactured by M/s. Midco Limited, Metro Estate, Vidyanagri Marg, Kalina, Santa Cruz (East), Mumbai, Maharashtra and which is assigned the approval mark IND/09/08/566;



The aid model is an electronic dispensing pump and consists of two piston and non reversible electromechanical pump. Its max. dispensing capacity is 9999.99 litre. Max. ratio to dilute is 1:10000. Dispensing rate Rs. 999.95 and smallest division 1.0 ml. The inbuilt timer of Liquid Crystal Dispenser is of 1000 type having a range of 1000 hours. It has a 50 Hertz alternate current power supply. The max. flow rate is 70 litre per minute. The pump is controlled by a microprocessor. The pump has Rs. 485 point to facilitate automatic dispensing.

Calibration screw is sealed by single wire. Electronic calibration dip switch is sealed by a foil tape. Cover can be sealed by single wire along with totalizer. A typical schematic diagram of sealing provision of the model is given below:

[F. No. WM-01/15-1/2008]

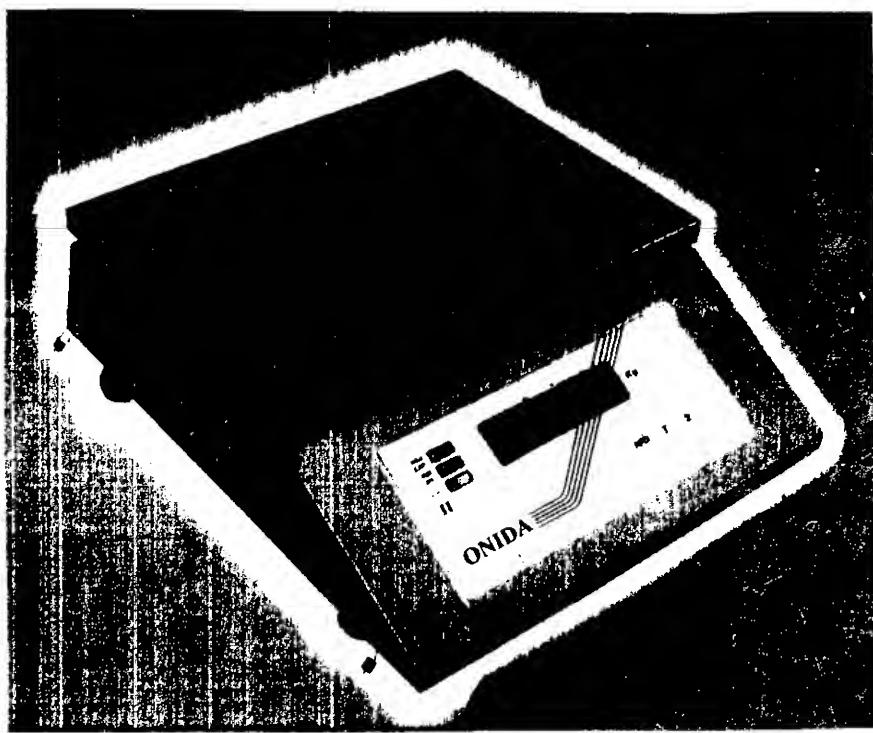
R. MATHURBOOTHAM, Director of Legal Affairs, says

नई दिल्ली, 1 फरवरी, 2010

का.आ. 492.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स ऑनिडा स्केल कं., दारेसी नं. 2, आगरा-282004-उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “ओटी एस” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ग्रांड का नाम “ओनिडा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/275 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्केल के इंडिकेटर की बाटम प्लेट और टॉप कवर में छेद करके, इन छेदों में से सीलिंग वायर निकाल कर लोड भोत से सीलिंग की जाती है। सील तोड़े बिना इंडीकेटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक भ्रूंपी योजनाबद्ध डायग्राम उपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मैक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो । मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 और 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

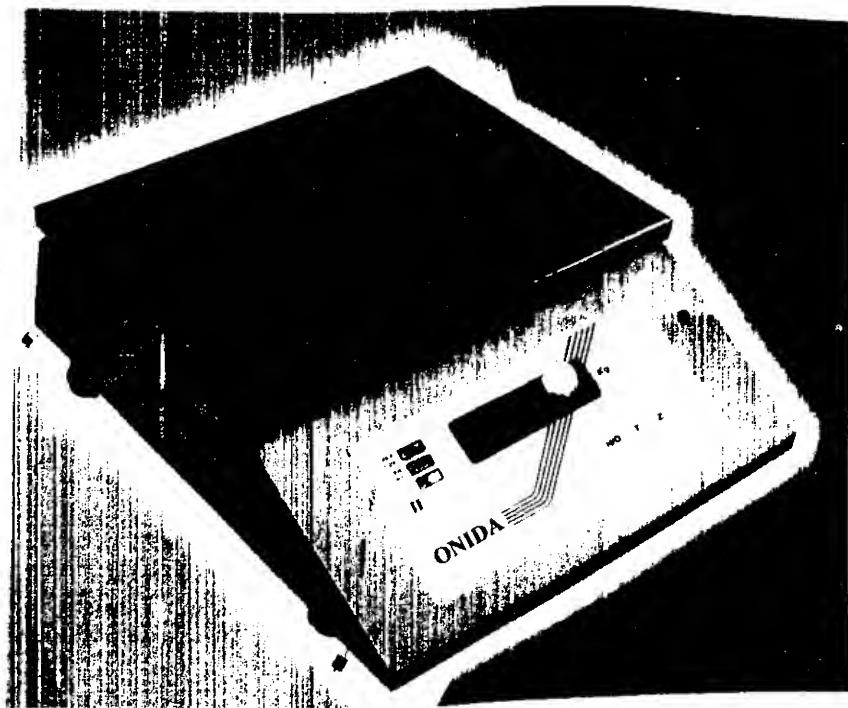
[फा. सं. डब्ल्यू एम-21 (121)/2008]
आर. माधुगन्धी, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 2010

S.O. 492.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy Class-II) of series "OTS" and with brand name "ONIDA" (hereinafter referred to as the said model), manufactured by M/s. Onida Scale Co., Daresi No. 2, Agra-282004, U. P. and which is assigned the approval mark IND/09/08/275;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.



Sealing is done by the sealing wire, passing through the holes, made in the bottom plate and top cover of the scale with the lead seal. The indicator can not be opened without breaking the seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

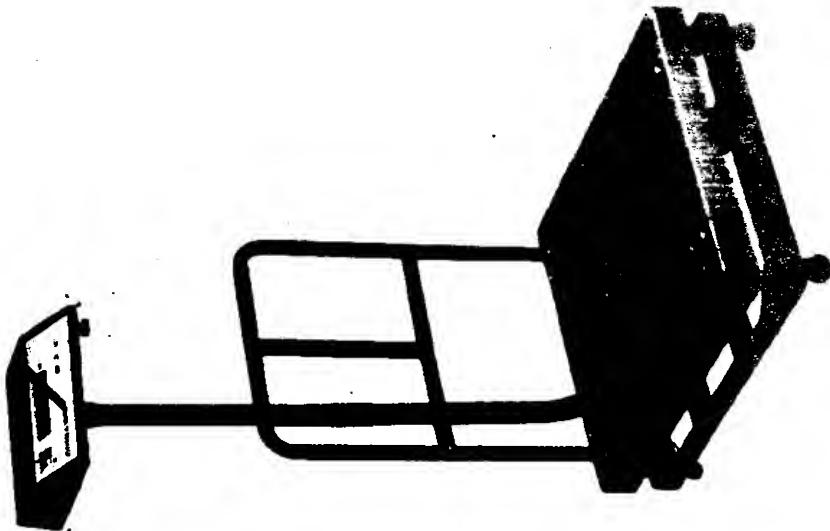
[F. No. WM-21 (121)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 फरवरी, 2010

का.आ. 493.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स ऑनिंडा स्केल कं., दारेसी नं. 2, आगरा-282004-उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ता !!) कानूने "ओ एस पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ऑनिंडा" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/276 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेत आधारित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसके शत प्रतिशत अवलोकनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50/50 इक्विलिब्रियम प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्केल के इंडिकेटर की बात प्लेट और टॉप कवर में छेद करके, इन छेदों में से सीलिंग वायर निकाल कर लीड सील से सीलिंग की जाती है। सील तोड़े बिना इंडिकेटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

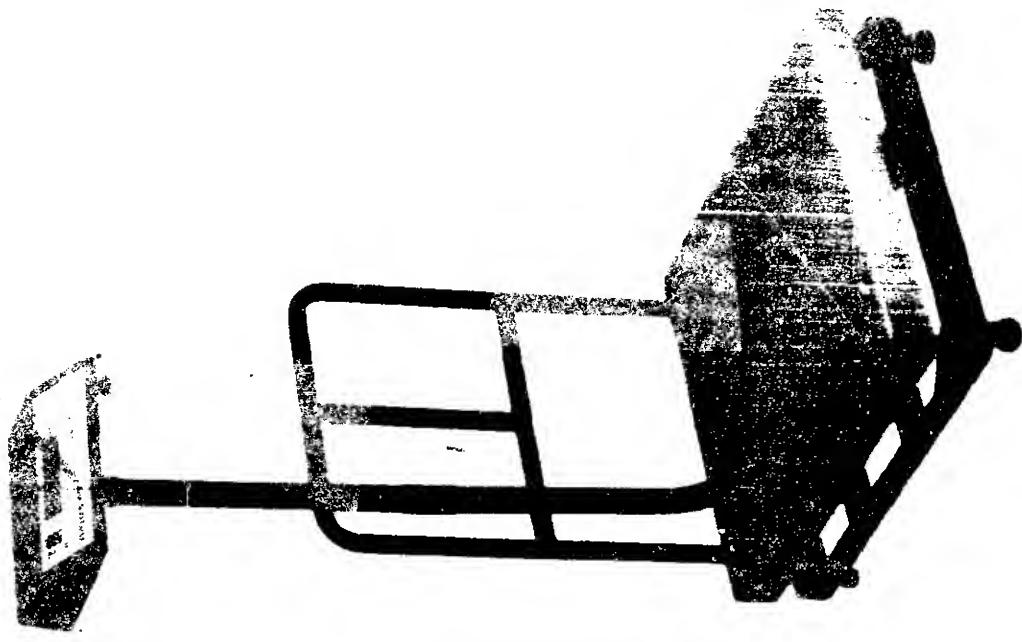
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिसमें उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) साहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 2×10^8 और 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

New Delhi, the 1st February, 2010

S.O. 493.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over a period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy Class 1) in series "OSP" and which is known as "ONIDA" (hereinafter referred to as the said model), manufactured by Mrs. Onida Ltd., Daresi No. 2, Deoria, U.P. and which is assigned the approval mark IND/09/08/276;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with maximum capacity of 500kg and minimum capacity of 2.5kg. The verification scale interval (*e*) is 50g. It has a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weight. The instrument operates on 230V, 50Hz alternative current power supply.



Sealing is done by the sealing wire, passing through the holes, made in the bottom plate and top cover of the indicator of the scale with the lead seal. The indicator can not be opened without breaking the seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (*e*) in the range of 5000 to 50,000 for '*e*' value of 100mg or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

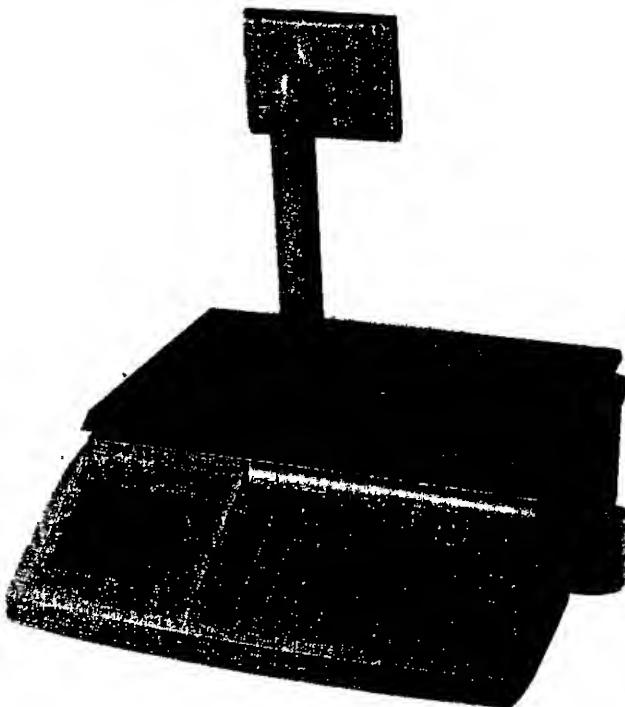
[F. No. WM-21(121)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 फरवरी, 2010

का.आ. 494.—केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैंड मीटिनस्ट्रूट (एन एम आई), नीदरलैंड द्वारा जारी मॉडल अनुमोदन प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स मैटलर टोलेडो (चांगझाउ) मेजरमेंट टेक्नोलोजी लि., नं. 111, वेस्ट तैहु रोड, जिआंगसू-213125 पी आर आफ चाइना द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "bTwin" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स मैटलर टोलेडो इंडिया प्राइवेट लि., अमर हिल्स, साको विहार रोड, पांवई, मुंबई-400072 महाराष्ट्र द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में विपणित किया गया और जिसे अनुमोदन चिह्न आई एन डी/09/08/214 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 3 कि.ग्रा. \leq मैक्स \leq 30 कि.ग्रा. के संबंध में सत्यापन मापमान अंतराल एन \leq 3000 फॉर (ई) \geq 1 ग्रा. है। लिकिरड क्रिस्टल डायग्राफ (एल सी डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति

आकृति -2 मॉडल का सीलिंग प्रावधान

उपकरण के तल में दो स्थानों पर सीलिंग की जाती है ताकि सील तोड़े बिना मशीन को खोला न जा सके। मॉडल की सीलिंग व्यवस्था का योजनावद्द डायग्राम ऊपर दिया गया है।

[फा. सं. डन्ल्यू एम-21 (26)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 2010

S.O. 494.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "bTwin" series of medium accuracy (Accuracy class-III) (hereinafter referred to as the said Model), manufactured by M/s. Mettler Toledo (Chang Zhou) Measurement Technology Ltd., No. 111, West Taihu Road, Xin Bei District, Changzhou, Jiangsu-213 125, P. R. of China and marketed in India without any alteration before or after sale by M/s Mettler Toledo India Pvt. Ltd., Amar Hills, Saki Vihar Road, Powai, Mumbai, Maharashtra and which is assigned the approval mark IND/09/08/214;

The said model is a strain guage type load cell based non-automatic weighing instrument (table top type) with a maximum capacity of $3 \text{ kg} \leq M_{\text{az}} \leq 30 \text{ kg}$, in respect of verification scale interval $n \leq 3000$ for $e \geq 1 \text{ g}$. The Liquid Crystal Diode (LCD) Display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

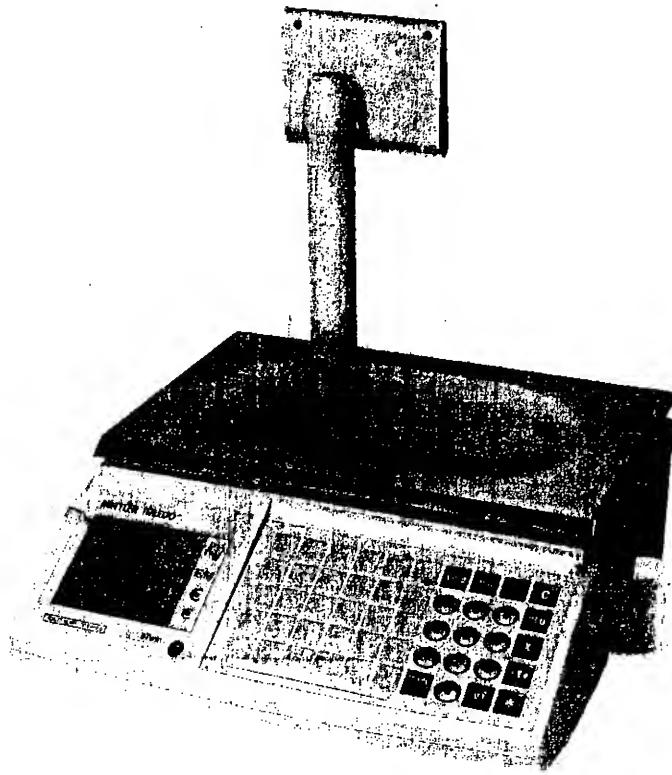


Figure-2—Sealing provision of the model

Sealing is done at the bottom of the instrument at two places so that the machine can not be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

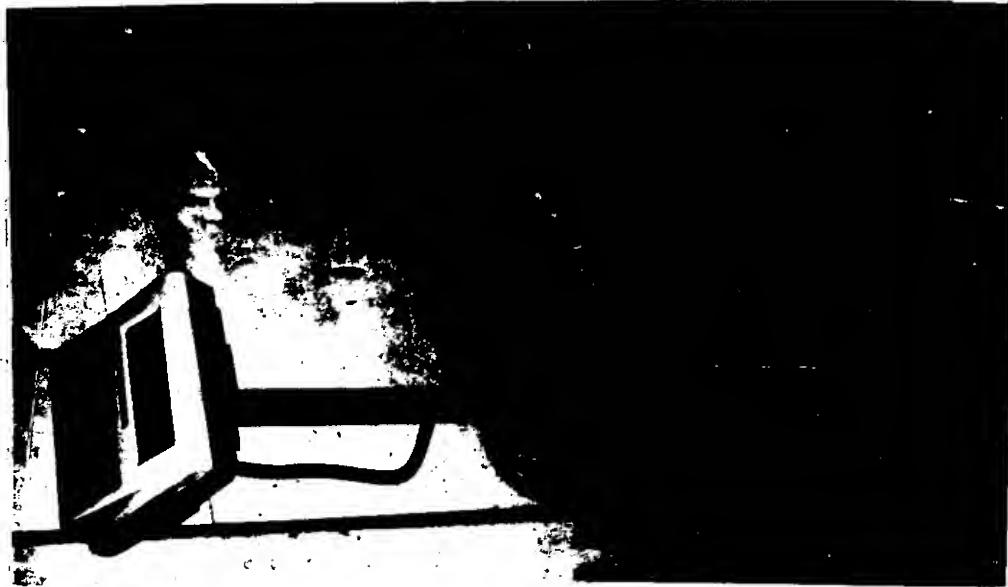
[F. No. WM-21 (26)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 फरवरी, 2010

का.आ. 495.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल स्थार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स एवन वेइंग सिस्टम लि. 15/बी, दूसरा तल, कमल कुंज, एस वी रोड, इला ब्रिज, अंधेरी (वेस्ट), मुंबई-400 058 महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “एवी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “एवन” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/235 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

बैंसेंस के बाटम प्लेट और टाप प्लेट के बीच में एक छेद डिल से बनाकर और इसमें एक स्टाम्पिंग प्लेट लगाकर बायों तरफ सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (42)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 2010

S.O. 495.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy Class-II) of Series "AV" and with brand name "AVON" (hereinafter referred to as the said Model), manufactured by M/s. Avon Weight Systems Ltd., 15, 2nd Floor, 'B' Wing Kamal Kunj, S. V. Road, Irla Bridge, Andheri (W), Mumbai-400 058, Maharashtra and which is assigned the approval mark IND/09/08/235;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 150 kg and minimum capacity of 500kg. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Figure—2 Sealing diagram

The sealing is done at the left side of the balance in between bottom plate and top plate by drilling a hole and fixing a stamping plate through it. A typical schematic diagram of sealing provision of the model is given below.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 500kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(42) 2008]

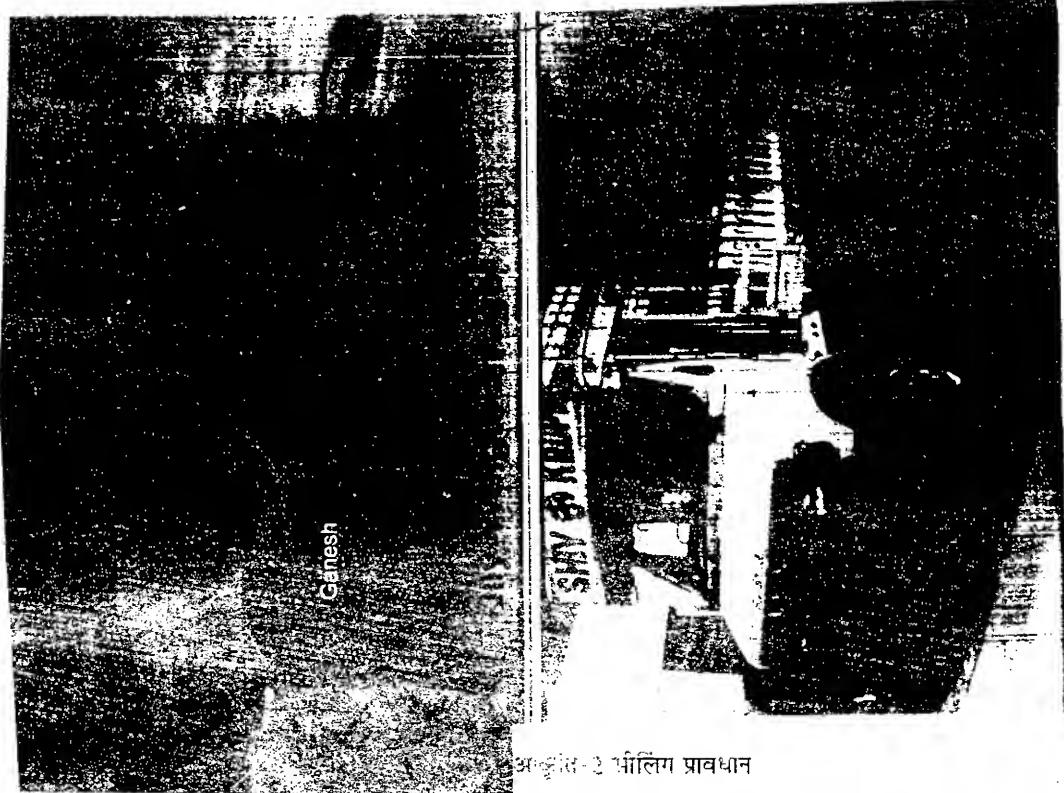
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 फरवरी, 2010

का. आ. 496.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रमुख रिपोर्ट दर निच्चार करने के पश्चात् यह गोप्याधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा याट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लागतार प्रयोग की अवधि में भी यस मॉडल स्थार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों के प्रयोग करते हुए, मैसर्स श्री गणेश स्केल बर्सर्स, गांव ब डाकघर-बारीनरी, जिला हुगली-712 250 पश्चिमी बंगाल द्वारा विनिर्मित मश्यम यथार्थता (यथार्थता वर्ग 111) बाले "जीडब्ल्यूएफ-30" शृंखला के अंकक सूचन सहित अस्वचालित तालन उपकरण (वैनिज टाइप) के मॉडल का, जिमके ब्रांड का नाम "गणेश" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा जाता है) और जिसे अनुमोदन चिह्न अंड एन डी:09/08/565 मश्यमैंप्रद फिल्म रखा है, अनुमोदन प्रमाण-पत्र जारी करती है।

इसन मॉडल एक विकृत रेज प्रकार का भार सेल आधारित अस्वचालित तालन उपकरण (वैनिज टाइप) है। इसके अंपर एक 500 ग्रा. मूल और म्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका अस्वचालनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तालन परिणाम उपर्युक्त करता है। इसके बाले बोल्ट और 50 हड्डियां प्रत्याकर्त्ता धारा विद्युत प्रदाय पर कार्य करती हैं।



अनुमोदन-3 प्रीलिंग प्रावधान

इंडीकेटर की जपानी डी एस एस के द्वारा उत्पादित है। यह इस प्रकार सीलिंग व्हाइट लगाया गया है कि वायर अपर बाली से लोअर लॉट तक निकाला गया है। इसी लॉट के अन्दर स्पॉकेशन बोर्ड है जो बॉडी पर कोई छेद नहीं बनाया गया है ताकि सील से छेड़ाड किए बिना इंडीकेटर को खोला न जा सके। सर्वांग बाटे, एरिट्रिंग करने के उपर्युक्त का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उत्तीर्णिता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का तितियाण किया गया है, दिनोंपैसे उत्तीर्णिता के बैसे ही मेक, यथार्थता और कार्यपालन के तालन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से $10,000$ तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(224)/2008]

आर. माधुरवृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 2010

S. O. 496.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy Class-III) of Series "GFW-30" and with brand name "GANESH" (hereinafter referred to as the said Model), manufactured by M/s. Shree Ganesh Scale Works, Vill-PO-Baminari, Dist-Hooghly-712 250 West Bengal and which is assigned the approval mark IND/09/08/565:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

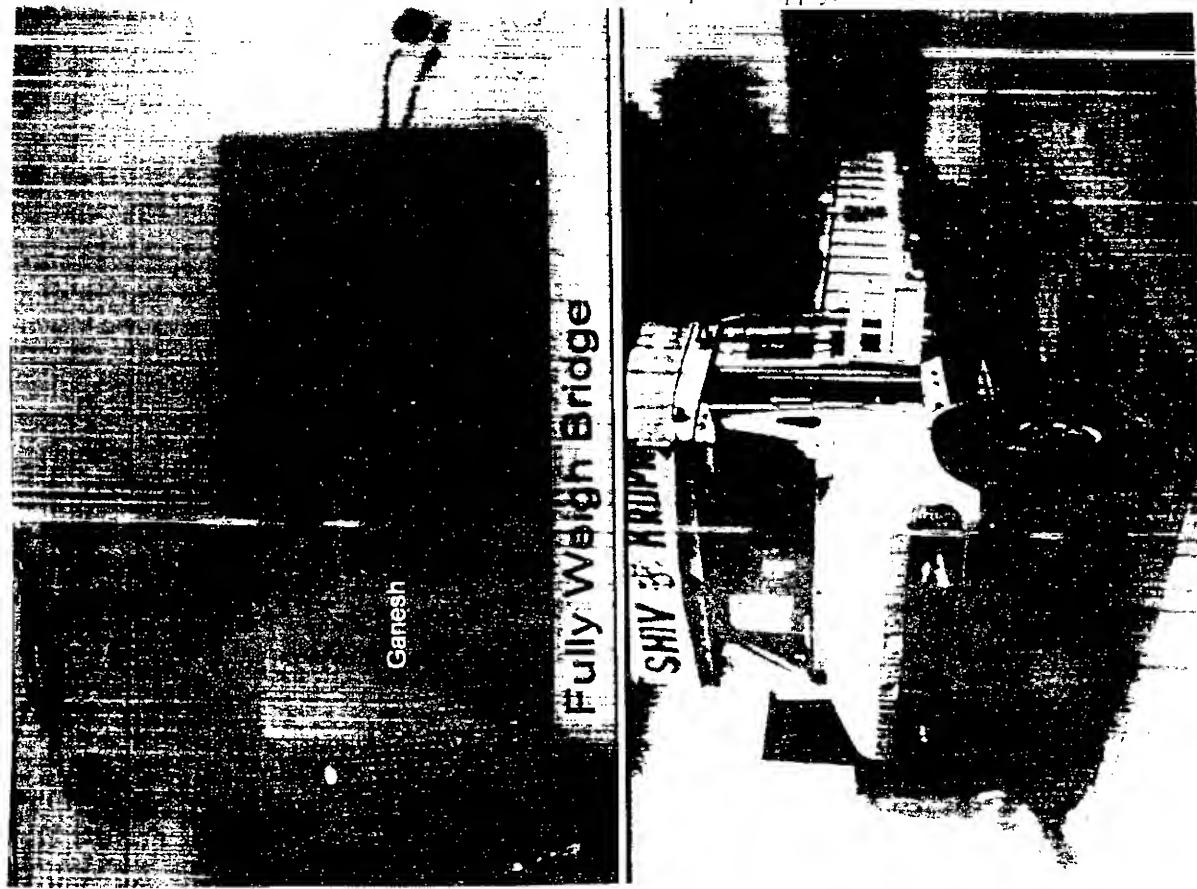


Figure-- 2 Sealing provision of the indicator of the model

Sealing point is affixed on the stamping plate is fixed on upper body of the indicator with the wire, in such a way that the wire passes through upper body to lower plate. The adjustment port is inside the indicator and no hole is provided on the body so that the indicator cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(224)/2008]

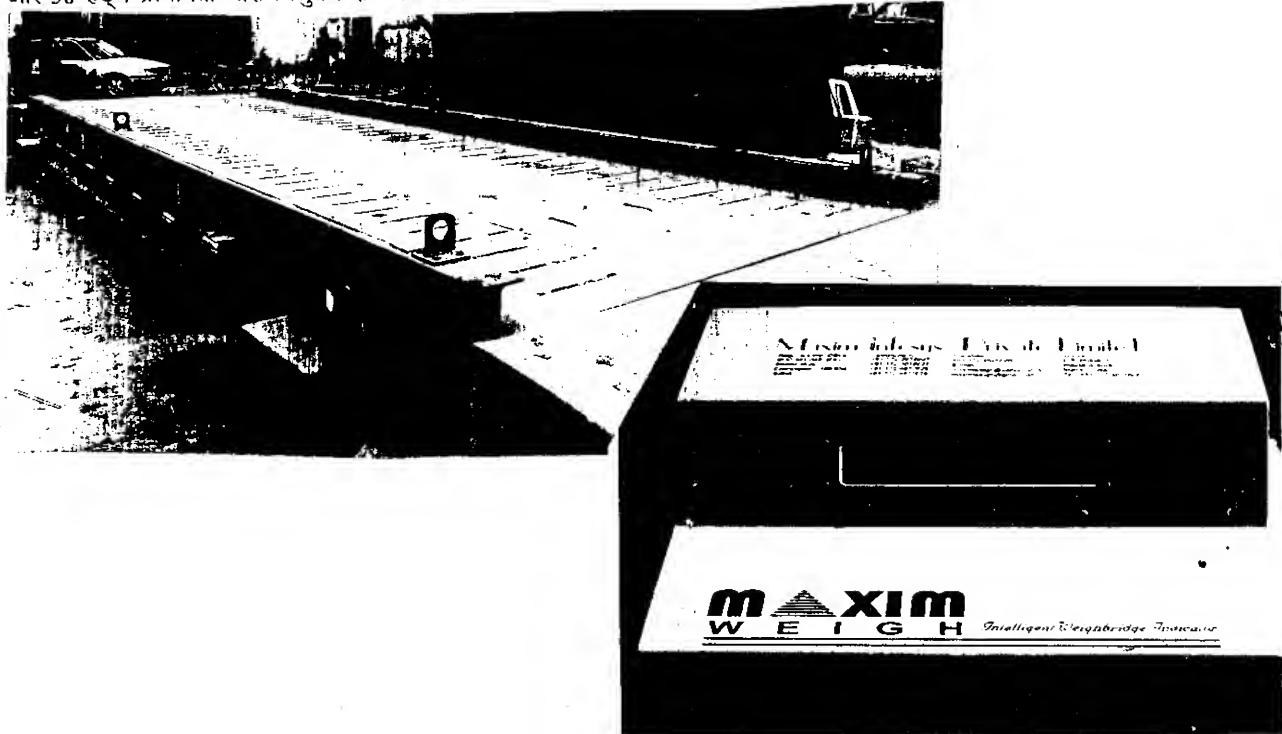
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 1 फरवरी, 2010

का, आ. 497.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स मैक्सिसम इन्फोसिस प्रा. लि., एससीओ 341-342, सेक्टर-34 ए, चंडीगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एम डब्ल्यू बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम “मैक्सिसम” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/174 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज टाइप) है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिकिवड क्रिस्टल डायोड (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

इंडीकेटर के ऊपरी कवर को कसने वाले विकर्णतः विपरीत पेच वेस प्लेट के साथ, सीलिंग तार निकालने के लिए छेदों वाले स्क्रू हैं। पर दिए गए हैं। स्क्रू हैं पर उक्त छेदों में से तार को निकालने के बाद उसे ताला लगाया जा सकता है और उस पर सील लगाई जा सकती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनावद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(67)/2008]

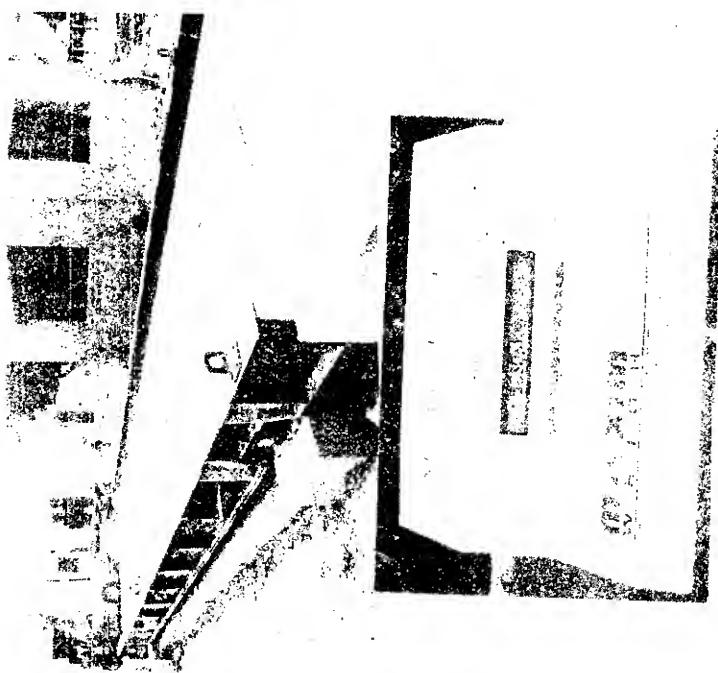
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 1946

34. **Q. 497.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy Class-III) of Series "MWB" and with brand name "MAXIM" (hereinafter referred to as the said Model), manufactured by M/s. Maxim Infosys Private Limited, SCO 341-342, Sector-34-A, Chandigarh and which is assigned the approval mark PVO 09/08/174;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Diode (LCD) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Figure—2 Sealing arrangement of the indicator

Diagonally opposite screws which tighten the top cover of the indicator with the base plate are provided on the screw head with holes for passing the sealing wire. After passing the wire through the said holes on the screw heads the same can be locked and a seal can be affixed on it. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 500 and up to 10,000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of $5g$ or more and with 'e' value $1.5g$ or $1.5g$ or $5\cdot10^3$, where 'k' is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same internal weights as the said approved model have been manufactured.

THE NEW YORKER

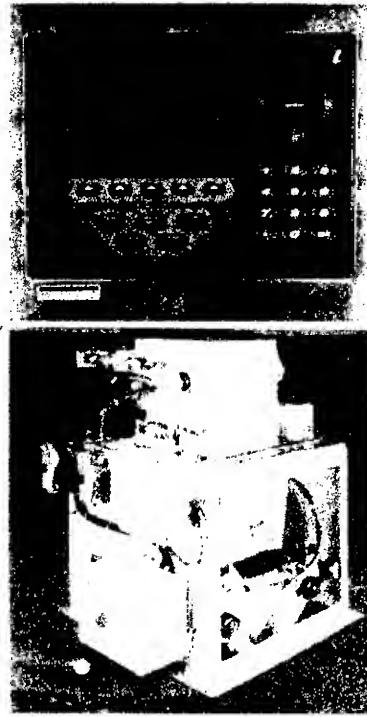
R. MATHER, *et al.* / *Journal of Macroeconomics* 32 (2010) 929–950

नई दिल्ली, 1 फरवरी, 2010

का. आ. 498.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स रिड मिडवे पेकेजिंग कं. ऑफ इंडिया प्रा.लि., प्लाट नं. 5 ई, सैक्टर-4, बल्लभगढ़, हरियाणा-121 004 द्वारा विनिर्मित यथार्थता वर्ग X(1) के 'एम' शृंखला के अंकक सूचन सहित स्वचालित ग्रेविमेट्रीक फिलिंग इंस्ट्रूमेंट (बेंगिंग मशीन) जिसके ब्राण्ड का नाम "रिड मिडवे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/464 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रीक फिलिंग इंस्ट्रूमेंट (बेंगिंग मशीन) है। इसकी अधिकतम क्षमता 5 कि.ग्रा. है। इसकी अधिकतम भरण दर 20 लोड्स प्रति मिनट है। मशीन को मुक्त प्रवाह जैसे दालें, अनाज, मसाले, चाय, चीनी, चावल, बोज आदि भरने के लिए डिजाइन किया गया है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2

सीलिंग का तरीका और स्थान : इंडीकेटर के बायाँ तरफ नट और बोल्टस में दो छेद किए जाते हैं। स्टाम्प और सील के सत्यापन के लिए छेदों को लीड वायर से बांधा जाता है। सील खोले बिना इंडीकेटर को नहीं खोला जा सकता।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी क्षमता 1 कि.ग्रा. से 10 कि.ग्रा. तक की रेंज में हैं।

[फा. सं. डब्ल्यू एम-21(154)/2008]

आर. माथुरवृथम, निदेशक, विधिक माप विज्ञान

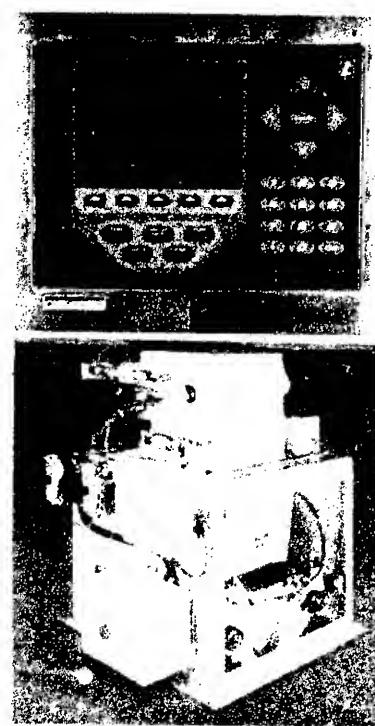
New Delhi, the 1st February, 2010

S. O. 498.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument (Bagging Machine) belonging to Accuracy class-X(1) of 'M' series with digital indicator 920i and brand name "REED MEDWAY" (herein referred to as the said model), manufactured by M/s. Reed Medway Packaging Co. of India Pvt. Ltd., Plot No. 5E, Sector 4, Ballabgarh, Haryana-121 004 and which is assigned the approval mark IND/09/08/464;

The said model is a strain guage type load cell based Automatic Gravimetric Filling Instrument (Bagging Machine). Its maximum capacity is 5kg. Its maximum fill rate is 20 loads per minute. The machine is designed for weighing and filling the free flowing products like pulses, grains spices, tea, sugar, rice, seeds etc. The liquid crystal display (LCD) indicates the weighing results. The instrument operates on single phase 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model



Manner & Place of Sealing : On the the left side of the indicator two holes are made through nuts and bolts and fastened by leaded wire for receiving the verification stamp and seal. The indicator can not be opened without opening the seal. A typical schematic diagram of the sealing arrangement of the model has been given below.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 1 kg to 10 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(154)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, । फरवरी, 2010

का.आ. 499.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स रिड मिडवे पेकेजिंग कं. आफ इंडिया प्रा.लि., प्लाट नं. 5 ई, सैक्टर-4 बल्लभगढ़, हरियाणा-121004 द्वारा विनिर्मित यथार्थता वर्ग X(I)के 'ए पी' शृंखला के अंकक सूचन सहित स्वचालित कैच वेंडिंग तोलन उपकरण (चैक व्हीयर) जिसके ब्रांड का नाम "रिड मिडवे-राइस लेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/465 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित स्वचालित कैच वेंडिंग तोलन उपकरण (चैक व्हीयर) है। इसकी अधिकतम क्षमता 50 कि.ग्रा. है। इसकी अधिकतम चैक रेट 60 पैक प्रति मिनट है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2

सीलिंग का तरीका और स्थान : इंडीकेटर के बायों तरफ नट और बोल्टस में दो छेद किए जाते हैं, स्टाम्प और सील के सत्यापन के लिए छेदों को लीड बायर से बांधा जाता है। सील खोले बिना इंडीकेटर को नहीं खोला जा सकता।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी क्षमता 10 कि.ग्रा. से 100 कि.ग्रा. तक की रेंज में हैं।

[फा. सं. डब्ल्यू एम-21 (154)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 2010

S.O. 499.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Catch Weighing Instrument (Check Weigher) belonging to Accuracy Class-XI (1) of "AP" series with digital indicator 920i brand name "REED MEDWAY-RICE LAKE" (hereinafter referred to as the said Model), manufactured by M/s. Reed Medway Packaging Co. of India Pvt. Ltd., Plot No. 5E., Sector 4, Ballabgarh, Haryana-121004 and which is assigned the approval mark IND/09/08/465.

The said model is a strain gauge type load cell based Automatic Catch Weighing Instrument (Check Weigher). Its maximum capacity is 50 kg. Its maximum check rate is 60 pack per minute. The liquid crystal display (LCD) indicates the weighing results. The instrument operates on single phase 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

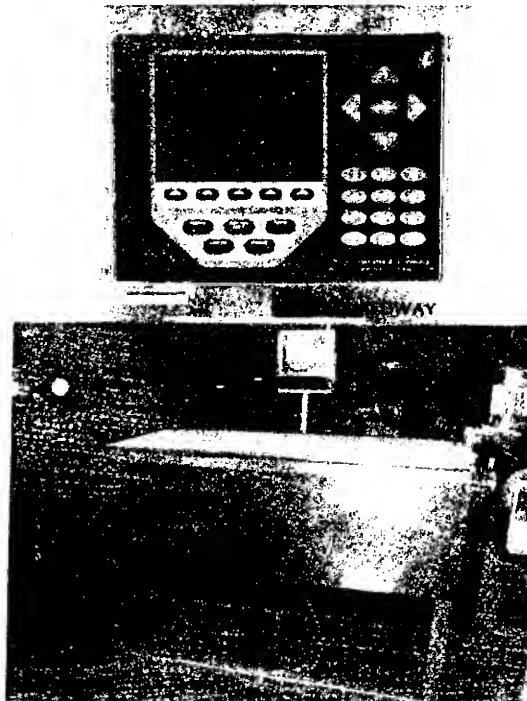


Figure-2

Manner & Place of Sealing : On the left side of the indicator two holes are made through nuts and bolts and fastened by leaded wire for receiving the verification stamp and seal. The indicator cannot be opened without opening the seal. A typical schematic diagram of the sealing arrangement of the model has been given below.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 10 kg to 100 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (154)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

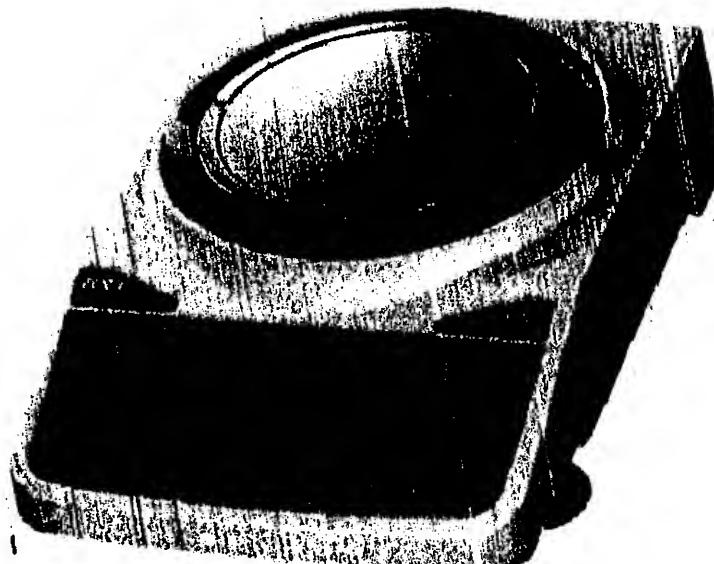
नई दिल्ली, 1 फरवरी, 2010

का.आ. 500.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेंगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स ए एंड डी कंपनी लिमिटेड, 3-2-14 हिंगारी-इकेबुकुरो, तोशिमा-कु, टोक्यो-170 0013, जापान द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-1) वाले “एफ एक्स-आई” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ए एन डी कंपनी लिमिटेड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स ए एंड डी इंस्ट्रमेंट्स इंडिया (प्रा.) लि., रेक्टरेंग्ल 1, डी-4, डिस्ट्रिक्ट सेंटर, साकेत, नई दिल्ली-110 017 द्वारा भारत में बिक्री से पूर्व अधिकार बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/08/481 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलैक्ट्रो-मेग्नेटिक फोर्स कम्पनेसेशन प्रिसीपल का भार सेल आधारित अस्वचालित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 320 ग्रा. और न्यूनतम क्षमता 100 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। वैक्यूम फ्लोरेंस डायोड (बी एफ डी) प्रदर्श तोलन परिणाम उपरोक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1. मॉडल



आकृति-2 मॉडल का सीलिंग प्रावधान

उपकरण में बनाए गए छेदों में से वायर और मेटल निकाल कर मेटल के साथ स्टाम्प लगा कर सीलिंग की जाती है। सील से छेड़छाड़ किए बिना इंडीकेटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या इससे अधिक के “ई” मान के लिए 50,000 या अधिक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (137)/2008]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 2010

S.O. 500.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy (Accuracy class-I) of series "FX-i" and with brand name "AND Company Limited" (hereinafter referred to as the said Model), manufactured by M/s. A & D Company Limited, 3-2-14, Higashi-Ikebukuro, Toshimaku, Tokyo- 170 0013, Japan and marketed in India without any alteration before or after sale by M/s. A & D Instrumnets India (P) Ltd., Rectangle 1, D-4, District Centre, Saket, New Delhi-110 017 and which is assigned the approval mark IND/09/08/481.

The said model is an electro magnetic force compensation principle based non-automatic weighing instrument with a maximum capacity of 320g. and minimum capacity of 100 mg. The verification scale interval (e) is 1 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Vacuum Florescent Diode (VED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

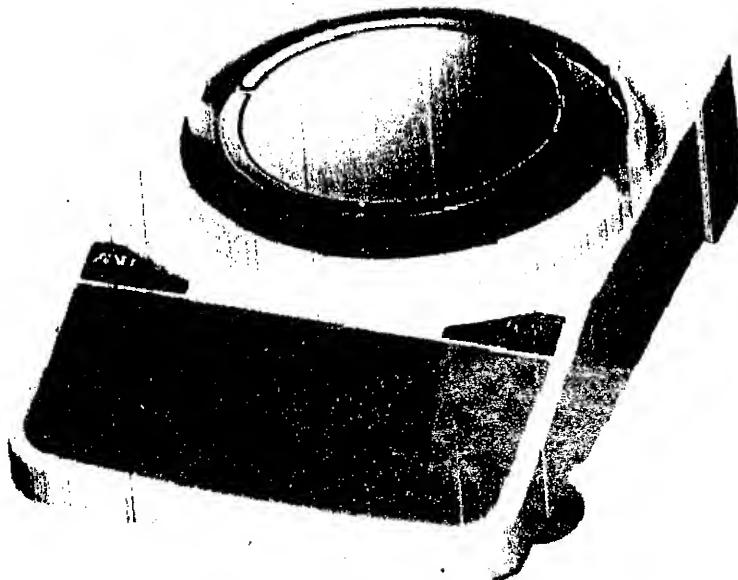


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done by the wire and metal through the holes made in the instrument and sealed by the metal with stamp. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 50,000 or above for 'e' value of 1 mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (137)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

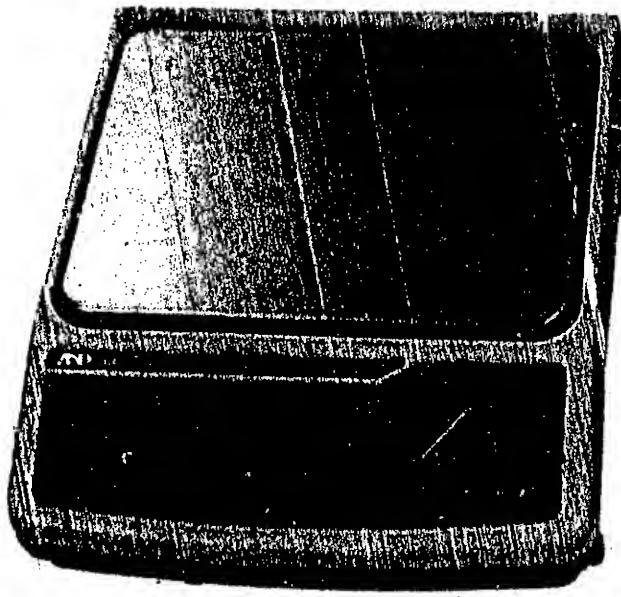
नई दिल्ली, 1 फरवरी, 2010

का.आ. 501.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ए एंड डी कंपनी लिमिटेड, 3-2-14 हिंगारी-इकेंबुकुरो, तोशिमा-कु, टोक्यो-170 0013, जापान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “जीएफ-के” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके प्रांड का नाम “ए.एन डी कंपनी लिमिटेड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स ए एंड डी इस्ट्रमेंट्स इंडिया (प्रा.) लि., रेक्टेंगल 1, डी-4, डिस्ट्रिक्ट सेंटर, साकेत, नई दिल्ली-110 017 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/08/482 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलैक्ट्रो-मेगानेटिक फोर्स कम्पनेसेशन प्रिंसीपल का भार सेल आधारित अस्वचालित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 21 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 मॉडल



आकृति-2 मॉडल का सीलिंग प्रावधान

उपकरण में बनाए गए छेदों में से वायर और मेटल निकाल कर मेटल के साथ स्टाम्प लगा कर सीलिंग की जाती है। सील से छेद्धाड़ किए विना इंडीकेटर को खोला नहीं जा सकता। मॉडल को सीलवंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) 100 मि.ग्रा. या उससे अधिक “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (137)/2008]

आर. माथुरवृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st February, 2010

S.O. 501.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "GF-K" and with brand name "AND Company Limited" (hereinafter referred to as the said model), manufactured by M/s. A&D Company Limited, 3-2-14, Higashi-Ikebukuro, Toshima-ku, Tokyo-170 0013, Japan and marketed in India without any alteration before or after sale by M/s. A & D Instrumnets India (P) Ltd., Rectangle 1, D-4, District Centre, Saket, New Delhi-110 017 and which is assigned the approval mark IND/09/08/482.

The said model is an electro-magnetic force compensation principle based non-automatic weighing instrument with a maximum capacity of 21g and minimum capacity of 50g. The verification scale interval (e) is 1mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

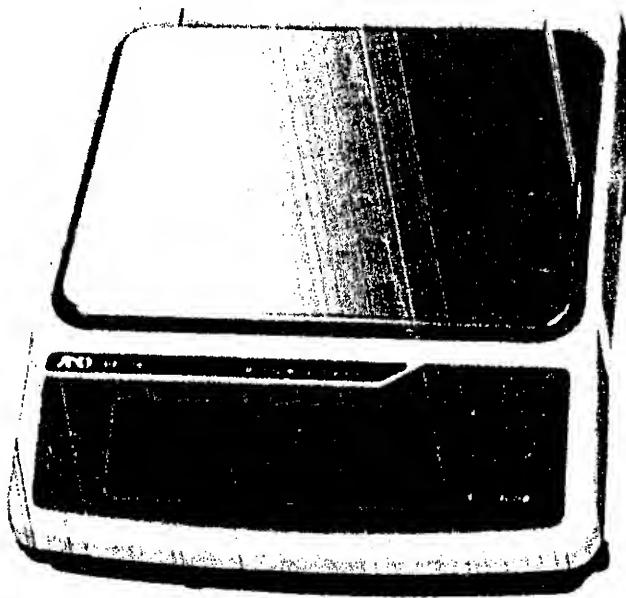


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done by the wire and metal through the holes made in the instrument and sealed by the metal with stamp. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (137)/2008]

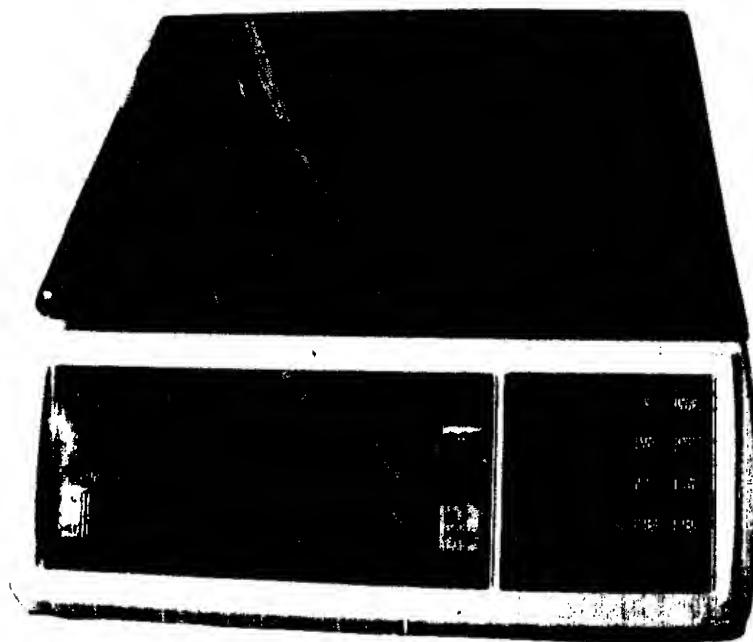
R. MATHUR BOCCHI (I&AM), Director of Legal Metrology

नई दिल्ली, 4 फरवरी, 2010

का.आ. 502.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयोग सेवा प्रदान करता रहेगा:

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स काम वेंडिंग इंडिया प्रा.लि., नं. 568, उद्योग विहार, फेज-IV, गुडगांव-122 016, हरियाणा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “इसी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “सीएएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/375 समनुदेशित किया गया है, अनुमोदन प्रमाण-दत्र जारी करती है।

इन्हीं मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है इसकी अधिकतम क्षमता 6 कि.ग्रा. और न्यूनतम क्षमता 10 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 0.2 ग्रा. है। इसमें आधेयतुलन युक्त है जिसका शत प्रतिशत 200 अनन्तरक धारित आधेयतुलन प्रभाव है। लिंकिड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वाल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की निचली प्लेट और ऊपर के कवर में किए गए छेदों के जरिए सीलिंग की जाती है और तब इन दोनों छेदों में से सीलिंग तार निकाली जाती है। स्टार्मिंग के लिए स्केल की बाड़ी से निकलती हुई सीलिंग तार के जरिए स्टार्मिंग प्लेट को लीड सील से जोड़ा जाता है। मॉडल को सीलबंद करने के उपर्युक्त का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सापग्री से जिससे उक्त अनुभावित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापन अंतराल (एन) सहित 20 कि.ग्रा. तक की अधिकतम क्षमता बाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (277)/2008]

आर. माथूरबृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th February, 2010

S.O. 502.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "EC" and with brand name "CAS" (hereinafter referred to as the said Model), manufactured by M/s. Cas Weighing India Pvt. Ltd., 568, Udyog Vihar, Phase-V, Gurgaon, Haryana-122 016 which is assigned the approval mark IND/09/08/375.

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 6kg. and minimum capacity of 10g. The verification scale interval (e) is 0.2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

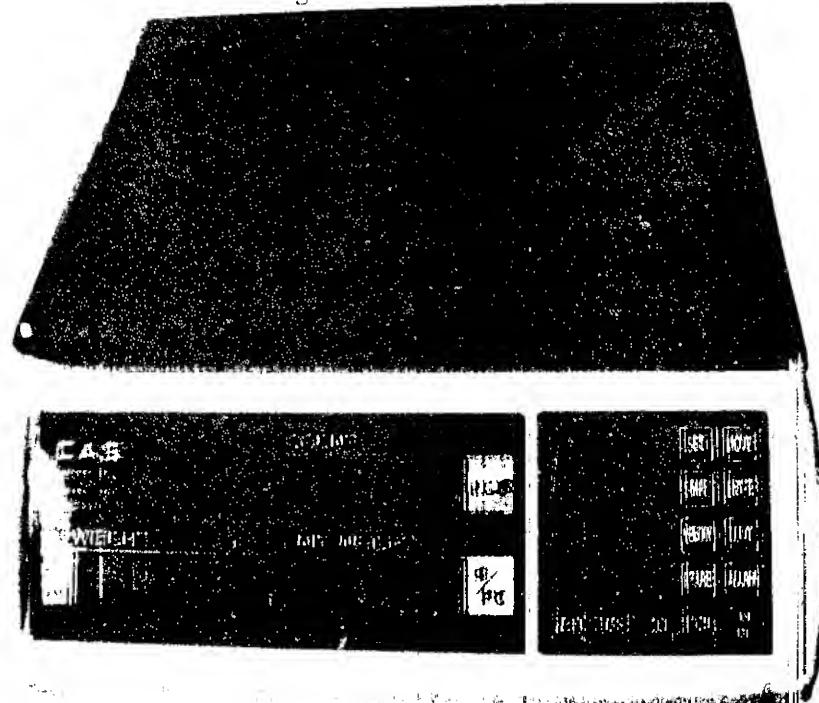


Figure-2 Schematic diagram of sealing provision of the Model.

The sealing is done through the hole, made in the bottom plate and top cover of the scale, and then sealing wire is passed through these two holes. Stamping plate is connected through sealing wire passing from the body of scale with the lead seal. to get the stamping. A typical schematic diagram of sealing provision of the Model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 20kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (277)-2008]

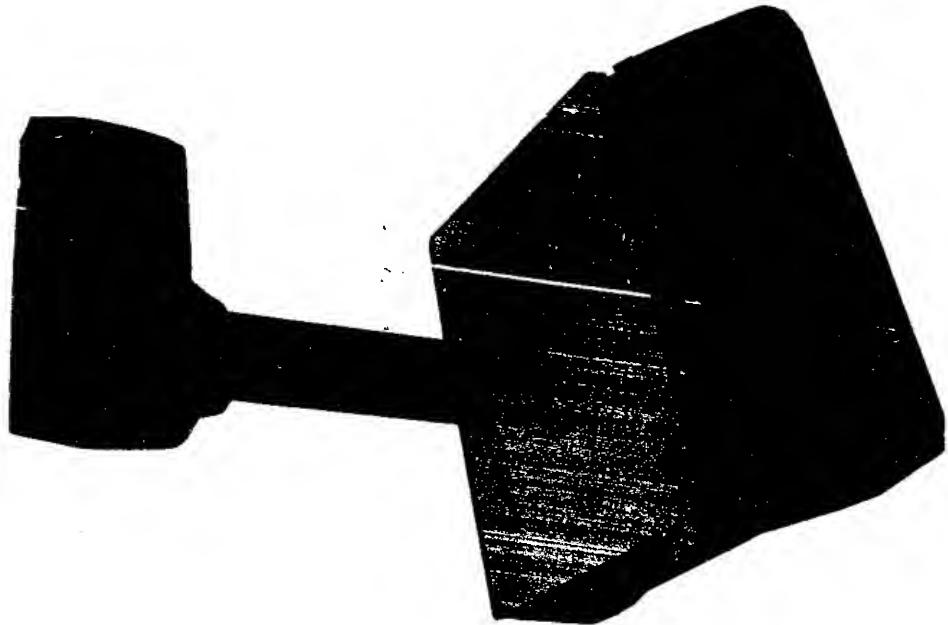
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 फरवरी, 2010

का.आ. 503.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स कास वेंडिंग इंडिया प्रा.लि., नं. 568, उद्योग विहार, फेज-V, गुडगांव-122 016, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ईआर" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके बांड का नाम "सीएएस" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/376 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसको अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की निचली प्लेट और ऊपर के कवर में किए गए छेदों के जरिए सीलिंग की जाती है और तब इन दोनों छेदों में से सीलिंग तार निकाली जाती है। स्टार्मिंग के लिए स्केल की बाड़ी से निकलती हुई सीलिंग तार के जरिए स्टार्मिंग प्लेट को लीड सील से जोड़ा जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (277)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th February, 2010

S.O. 503.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "ER" and with brand name "CAS" (hereinafter referred to as the said model), manufactured by M/s. Cas Weighing India Pvt. Ltd., 568, Udyog Vihar, Phase-V, Gurgaon, Haryana-122 016 which is assigned the approval mark IND/09/08/376.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 15kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model



Figure-2—Schematic diagram of sealing provision of the model.

The sealing is done through the hole, made in the bottom plate and top cover of the scale, and then sealing wire is passed through these two holes. Stamping plate is connected through sealing wire passing from the body of scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg, with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

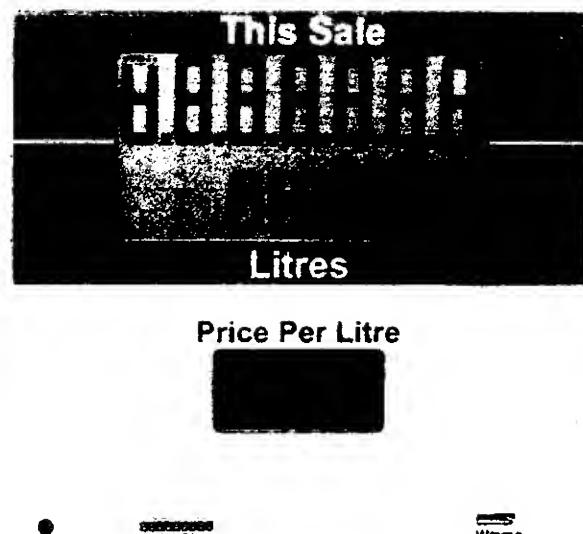
[F. No. WM-21 (277)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 फरवरी, 2010

का.आ. 504.—केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैंड मीटिनस्टिटूट (एन एम आई), नीदरलैंड द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योगों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के परन्तुक और धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डेसर इंडिस्ट्रिया ई कोमर्सिओ डिविसाओ वायने, इस्ट्राडा डो टिबो, 126-हिनोपोलिस-रिओ डी जेनिरो-आरजे, ब्राजील द्वारा विनिर्मित यथार्थता वर्ग 0.5 वाले और आईजीईएम भृखला के इलेक्ट्रॉनिक केलकुलेटिंग एंड इंडिकेटिंग डिवाइस जो “पानी के अलावा अन्य द्रव्य के मापन सिस्टम” का एक भाग है, और जिसे भारत में मैसर्स जनरल एनर्जी मेनेजमेंट सिस्टम्स प्रा; लि., 521-522, कमर्शियल प्लाजा, होटल ली मेरिडन, विडसर प्लेस, नई दिल्ली-110001 द्वारा बिक्री से पूर्व या बाद में बिना किसी बदलाव के विपणीत किया है और जिसे अनुमोदन चिह्न आई एन डी/09/08/362 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



आकृति-2

मोटर को तार सील के साथ सील्ड किया गया है। मॉडल को सिस्टेमेटिक सीलिंग करने के प्रावधान का डायाग्राम ऊपर दिया गया है।

उक्त मॉडल इलेक्ट्रॉनिक केलकुलेटिंग एंड इंडिकेटिंग-डिवाइस है जिसका प्रयोग पानी के अलावा अन्य द्रव्य के डायनेमिक ज्ञापन सिस्टम का एक भाग के रूप में होता है। इस साधन में 7 अंक मूल्य के लिए, 6 अंक बोल्यूम और 5 अंक मूल्य के लिए प्रति लीटर हैं।

[फा. सं. डब्ल्यू एम-21 (189)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th February, 2010

S.O. 504.—Whereas the Central Government, after considering the report submitted to it along with the pattern evaluation report and test result granted and approved by the prescribed authority, a notified body for the purpose in the Netherlands Meeinstituut (NMI), Netherlands is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of an electronic calculating and indicating device intended to be used as a part of a measuring system for liquids other than water of accuracy class 0.5 and of series-iGEM, manufactured by M/s Dresser Industria e Commercio, Divisao Wayne, Estrada do Timbo, 126, Higienopolis, Rio de Janerio, Brazil and marketed in India without any alteration before or after sale by M/s. General Energy Management Systems Pvt. Ltd., No. 521-522, Commercial Plaza, Hotel Le Meridian, Windsor Palace, New Delhi-110001 and which is assigned the approval mark IND/13/08/362;

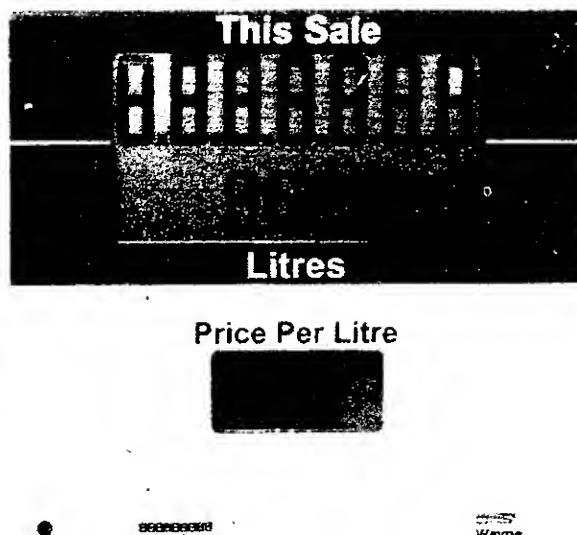


Figure-2 Sealing diagram of the sealing provision of the Model

The meter is sealed by means of wire with seals. A typical schematic diagram of sealing provision of the Model is given above.

The said Model is an electronic calculating and indicating device for use as a part of a dynamic measuring system for liquids other than water. The device has a display with 7 digits for price, 6 digits for volume and 5 digits for price per litre.

[F. No. WM-21 (189)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक व्यूरो

नई दिल्ली, 8 जनवरी, 2010

का.आ. 505.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे रद्द कर दिए गए हैं और वापस ले लिए गए हैं :—

अनुसूची

क्रम संख्या	रद्द किए गए भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	भारत के राजपत्र भाग II, खंड 3, उप-खंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
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(1)	(2)	(3)	(4)
1.	आई एस 1137:1990 चद्दर की मोटाई और तार के व्यास (पहला पुनरीक्षण)	0880, 27-06-1959	-
2.	आई एस 1528 (भाग 8) : 1974 उष्मासह सामग्रियों के नमूने लेने की और भौतिक परीक्षण पद्धतियां भाग 8 दृश्य सरन्ध्रता ज्ञात करना (पहला पुनरीक्षण)	1597, 08-05-1976	-

[संदर्भ : एमटीडी/जी-4:7]
पी. घोष, वैज्ञानिक 'ई' एवं प्रमुख (एमटीडी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 8th January, 2010

S.O. 505.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which is mentioned in the Schedule given hereafter, have been cancelled and stand withdrawn :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Cancelled	S.O. No. and Date of published in the Gazette of India, Part II, Section 3, sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 1137 : 1990 Thickness of sheet and diameter of wire (first revision)	0880, 27-06-1959	-
2.	IS 1528 (Part 8) : 1974 Methods of sampling and physical tests for refractory materials Part 8 Determination of apparent porosity (first revision)	1597, 08-05-1976	-

[Ref. : MTD/G-4:7]

P. GHOSH, Director 'E' & Head (MTD)

नई दिल्ली, 2 फरवरी, 2010

का.आ. 506.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे रद्द कर दिए गए हैं :—

अनुसूची

क्रम संख्या	रद्द किए गए भारतीय मानक (कों) को संख्या वर्ष और शीर्षक	भारत के राजपत्र भाग II, खंड 3, उप-खंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	IS 4089 : 1967 चिमटी क्लिप की विशिष्टि, क्लिप हटाने के लिए, माइकल पैट्रन		
2.	IS 6986 : 1973 चिमटियां, क्रैनियोक्लास्ट एवं सिफालोट्राईब कम्बाइंड		
3.	IS 5588 : 1970 क्वाड्रिसेप्स बूटों की विशिष्टि		
4.	IS 13069 : 1991 अल्ट्रासोनिक पर्स इको डायग्नोस्टिक उपकरण की कार्यकारिता मापन की पद्धति		

[संदर्भ : एम एच डी/जी-3.5]
राहुल कुमार, वैज्ञानिक 'एफ' एवं प्रमुख (एम एच डी)

New Delhi, the 2nd February, 2010

S.O. 506.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, it is, hereby notified that the Indian Standards, particulars of which are given in the Schedule given hereafter, have been cancelled and stand withdrawn :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	S.O. No. and Date of published in the Gazette of India, Part II, Section 3, sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 4089 : 1967 Specification for forceps, clip Removing Michel pattern.		
2.	IS 6986 : 1973 Foreceps, cranoclast and cephalotribe combined		
3.	IS 5588 : 1970 Specification for quadriceps boots		
4.	IS 13069 : 1991 Methods for measuring the performance of ultrasonic pulse-echo diagnostic equipment		

[Ref. : MHD/G-3.5]

RAHUL KUMAR, Scientist 'F' & Head (MHD)

नई दिल्ली, 3 फरवरी, 2010

का.आ. 507.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 6 के उप-नियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है :—

अनुसूची

भारतीय भाग अनु. सं.	वर्ष	उत्पाद	इकाई पर	न्यूनतम मुहरांकन शुल्क बड़े पैमाने पर	इकाई दर स्लैब 1 में छोटे पैमाने स्लैब 1	इकाई दर स्लैब 2 में इकाई दर स्लैब 2	शेष	तिथि
13799	- -	1993	पोलीयूरेथेन बेस सरफेस (टू पैक) फोर एक्सटीरियर पेटिंग (के. मु. वि. 3) आॅफ रेलवे कोच	100 लि. 65000.00	55000.00	34.00	-	25-11-09

[सं. केप्रवि/13:10]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 3rd February, 2010

S.O 507.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1998, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule :

SCHEDULE

IS No.	Part	Sec.	Year	Product	Units	Minimum	Marking	Fee	Unit	Units	Unit	Units	Remain	Effective
						Large Scale	Small Scale	Rate in Slab 1	in Slab 2	Rate in Slab 2	Slab 2			Date
13799	-	-	1993	Polyurethane Base Surfacer (Two Pack)	100lt.	65000.00	55000.00	34.00	-	-	-	-	-	25-11-2009

[No. CMD/13:10]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 3 फरवरी, 2010

का.आ. 508.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के नियम 6 के उपनियम (3) के अनुसरण में भारतीय मानक व्यूरो एतदद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शाल्क अधिसूचित करता है :—

अनसची

भारतीय भाग अनु. वर्ष	उत्पाद	इकाई	न्यूनतम मुहरांकन शुल्क	इकाई दर	स्लैब 1 में	इकाई दर स्लैब 2 में	इकाई दर प्रचालन
मानक सं.			बड़े पैमाने	छोटे पैमाने	स्लैब 1	इकाईयां	स्लैब 2 इकाईयां शेष तिथि
			पर	पर			

[सं. कंप्रवि/13:10]

पी. के. गम्भीर, उप महानिदंशक (मुहर)

New Delhi, the 3rd February, 2010

S.O. 508.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule :

SCHEDULE

IS No.	Part	Sec.	Year	Product	Units	Minimum	Marking	Fee	Unit	Units	Unit	Units	Remain-	Effective
						Large	Small	Rate	in					
						Scale	Scale	Slab-1	Slab-1					
13213	-	-	1991	Polyurethane Full Gloss Enamel (Two Pack)	100 lt.	60000.00	51000.00	48.00	-	-	-	-	-	25-11-2009

[No CMD 13:10]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 3 फरवरी, 2010

का.आ. 509.—भारतीय मानक व्यारो (प्रमाणन) विनियम 1988 के नियम 6 के उपनियम (3) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है :—

अनुसूची

भारतीय भाग अनु. वर्ष	उत्पाद	इकाई	न्यूनतम मुहरांकन शुल्क	इकाई दर स्लैब 1 में	इकाई दर स्लैब 2 में	इकाई दर प्रचालन
मानक सं.			बड़े पैमाने	छोटे पैमाने स्लैब 1	इकाईयाँ स्लैब-2	इकाईयाँ शेष तिथि
पर		पर				

5666	-	-	1970	इच्च प्राइमर	100 लि.	61000.00	52000.00	37.00	-	-	-	-	25-11-09
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[सं. केप्रवि/13:10]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 3rd February, 2010

S.O 509.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule :—

SCHEDULE

IS No.	Part	Sec.	Year	Product	Units	Minimum	Marking	Fee	Unit	Units	Unit	Units	Remain-	Effective
						Large	Small	Rate	in	Rate	in	ing	Date	
5666	-	-	1970	Etch Primer	100 lt.	61000.00	52000.00	37.00	-	-	-	-	-	25-11-2009

[No. CMD/13:10]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 3 फरवरी, 2010

का.आ. 510.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7979922	16-10-2009	सीको फलैन्स, डी-40/4, रोड नंबर 18, गेट नंबर 3, होजीवाला इंडस्ट्रियल एस्टेट, सचिन उद्योगनगर, सूरत-394 230	पी. वी. इंस्लेटिड केबल	694	—	—	1990
2.	7978112	6-10-2009	अंजने ट्यूब्स इंडिया सर्वे नंबर 213, उमिया वोकाउ सा मिल के सामने, स्टेशन रोड एट नंदेज बारेजाडी, ता डसकराय, अहमदाबाद	हाई डैंसिटी पालिथलिन पाइप फार पोटेबल बाटर सपलाईस	4984	—	—	1995

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3.	7978617	8-10-2009	बंसी इंडस्ट्रीज, प्लाट नंबर 227/4, कैमोनोवा इंडस्ट्रीज के सामने, जी आई डी सी, पनोली, भास्चख गुजरात	हाई डैंसिटी पालिथलिन पाईप फार पोटेबल वाटर सपलाईस	4984	—	—	1995
4.	7978920	12-10-2009	पूरा इंडस्ट्रीज, 753/1, रकनपुर गाँव, एट तथा पोस्ट सांतेज, ता कलोल, 382721, डिस्ट्रिक्ट गांधीनगर	पैकेजबंद पेयजल	14543	—	—	2004
5.	7979013	14-10-2009	श्री भवानी ज्वैलर्स, गायत्री शॉपिंग सेंटर, बैंक आफ बडोदा, वीपी-396 191 वलसाद	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
6.	7977817	7-10-2009	मानेकवाला ज्वैलर्स, 1724, भावसारवाड नडियाड- 381 001	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
7.	7979316	14-10-2009	रिकान एकवा पयोर वाटर गांधीनगर मनसा हाइवे के रोड, महाकाली मंदिर के सामने, गांधीनगर	पैकेजबंद पेयजल	14543	—	—	2004
8.	7980297	15-10-2009	बाबूभाई ज्वैलर्स, ए 23, मातृशक्ति सोसाइटी, इंडिया कालोनी रोड, बापूनगर अहमदाबाद-380 024	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
9.	7980196	15-10-2009	बाबूभाई ज्वैलर्स, ए 23, मातृशक्ति सोसाइटी, इंडिया कालोनी रोड, बापूनगर अहमदाबाद-380 024	चांदी तथा चांदी मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112	—	—	2003
10.	7980301	15-10-2009	लक्ष्मी ज्वैलर्स, 13-ए, री क्रम संख्या 61, शॉप नंबर 20/21, जाली आरकडे, रंगोला पार्क के सामने, गॉड डाड रोड अथवा सूरत-395 001	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
11.	7980095	25-09-2009	गुजरात अलकलिस तथा कैमिकल्स प्रा. लिमिटेड, एट तथा पोस्ट दाहेज, ता वागरा, भारुच-392 130	पालीएलूमिनियम क्लोराइड पाउडर तथा लिक्विड मिडियम बेसिकसिटी	15573	—	—	2005
12.	7980402	16-10-2009	कैमिकल प्रोसेस पापिंग प्रा. लि., ब्लाक नंबर 126/128, गाँव वडसाला, एन एच नंबर 8, ता तथा डिस्ट्रिक्ट बडोदा-391 243	ग्लास फाइबर रेनीफोरसड प्लास्टिक पाईप, ज्वाईट तथा फिटिंग	12709	—	—	1994

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
13.	7981097	23-10-2009	बिनोद ज्वैलर्स, जी 5, भेजनवाला काम्पलैक्स, रांडर रोड, रांडर, सूरत-395 009	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
14.	7981101	23-10-2009	बिनोद ज्वैलर्स, जी 5, भेजनवाला काम्पलैक्स, रांडर रोड, रांडर, सूरत-395 009	चांदी तथा चांदी मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112	—	—	2003
15.	7981202	23-10-2009	विजय ज्वैलर्स, 286/1, रोहित मिल सर्कल के पास, सब्जी मार्केट के सामने, खोखरा, अहमदाबाद-380 008	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
16.	7981303	23-10-2009	शार्ति ज्वैलर्स, 13 ए, शॉप नंबर यू 32, 33, जाली शॉपिंग पाईट, अभिनन्दन ए सी मार्केट के सामने, गोड डोड रोड सूरत-395 001	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
17.	7981404	23-10-2009	श्री कृष्ण ज्वैलर्स, 8, के बी शॉपिंग सेंटर, बीलीनाका राधेश्याम मंदिर के पास, बिलीमोरा-396 321	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
18.	7980907	16-10-2009	सिल्वर सप्रींग हैल्थ केयर, प्लाट नंबर 124/125, ए जोलवा, थाथीथाईया, पालसाना, सूरत	पैकेजबंद पेयजल	14543	—	—	2004
19.	7972605	11-09-2009	यूनिफलैक्स केबल, 158/162, जी आई डी सी, अंबरगेंव-396171, वलसाद गुजरात	क्रासलिंकड पालिथिलन पी बी सी इंसूलेटिड शीथड केबल	7098	1	—	1988
20.	7982709	28-10-2009	राजेन्द्रा ज्वैलर्स प्रा लि, 6, जी एफ, 103 एफ एफ नैशनल प्लाजा, सी जी रोड, लाल बंगला के सामने नवरंगपुरा, अहमदाबाद-380 009	स्वर्ण तथा स्वर्ण मिश्र धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999

[सं. सीएमडी/13:11]

सी. के. महेश्वरी, वैज्ञा. जी (प्रमाणन)

New Delhi, the 3rd February, 2010

S.O. 510.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the party	Title of the Standard	IS No.	Part	Sec	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7979922	16-10-2009	Seikoflex, D-40/4, Road No. 18, Gate No. 3, Haujiwala Industrial Estate, Sachin Udyognagar, Surat-394 230	PVC Insulated Cables	694	—	—	1990
2.	7978112	6-10-2009	Anjney Tubes India Survey No. 213, Opp Umiyavokau Saw Mill, Station Road, at Nandej Barejadi, Tal Dascroi, Distt Ahmedabad	High Density Polyth- ylene Pipes for Water Supply	4984	—	—	1995
3.	7978617	8-10-2009	Bansi Industries Plot No. 227/4, Opp. Cheminova Industries, GIDC, Panoli, Bharuch	High Density Poly- thylene Pipes for Water Supply	4984	—	—	1995
4.	7978920	12-10-2009	Pura Industries 753/1, Rakanpur Village, at and Postsantej, Tal Kalol, -382721 Distt Gandhinagar	Packaged Drinking Water	14543	—	—	2004
5.	7979013	14-10-2009	Shree Bhavani Jewellers Gayatri Shopping Centre, Opp. Bank of Baroda Vapi-396 191 Distt Valsad	Gold and Gold Alloys, 1417 Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
6.	7977817	7-10-2009	Manekwala Jewellers 1724, Bhav Sarwad, Nadiad-381 001 Gujarat	Gold and Gold Alloys, 1417 Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
7.	7979316	14-10-2009	Ricon Aqua Pure Water Gandhinagar Mansa Highway, K-Road, Opp Mahakali Temple, Gandhinagar (Gujarat)	Packaged Drinking Water	14543	—	—	2004
8.	7980297	15-10-2009	Babubhai Jewellers A/23, Matrushkti Society, India Colony Road, Bapunagar, Ahmedabad- 380024	Gold and Gold Alloys, 1417 Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
9.	7980196	15-10-2009	Babu bhai Jewellers A/23, Matrushkti Society, India Colony Road, Bapunagar, Ahmedabad 380024	Silver and Silver Alloys, 2112 Jewellery/Artefacts- Fineness and Marking	2112	—	—	2003
10.	7980301	15-10-2009	Laxmi Jewellers 13-A, RE. S.No. 61, Shop No. 20/21, Jolly Arcade, Opp Rangila Park, Ghod Dod Road, Athwa Surat-395 001	Gold and Gold Alloys, 1417 Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	7980095	25-09-2009	Gujarat Alkalies and Chemicals Pvt Ltd, at & Post Dahej, Taluka Vagra, Bharuch-392130	Polyaluminium Chloride Powder & Liquid Medium Basicity	15573	—	—	2003
12.	7980402	16-10-2009	Chemical Process Piping Pvt. Ltd. Block No. 126/128, Village Vadsala, N H No. 8, Tal & Dist Vadodara 391243	Glass Fibre Reinforced Plastic Pipes, Joints & fittings	12709	—	—	1994
13.	7981097	23-10-2009	Vinod Jewellers G-5, Bejanwala Complex, Rander Road, Rander, Surat 395 009	Gold and Gold Alloys, 1417 Jewellery/Artefacts-Fineness and Marking	—	—	—	1999
14.	7981101	23-10-2009	Vinod Jewellers G-5, Bejanwala Complex, Rander Road, Rander, Surat 395 009	Silver and Silver Alloys, 2112 Jewellery/Artefacts-Fineness and Marking	—	—	—	2003
15.	7981202	23-10-2009	Vijay Jewellers 286/1, NR Rohit Mill Circle, Opp. Vegetable Market, Khokhra, Ahmedabad 380 008	Gold and Gold Alloys, 1417 Jewellery/Artefacts-Fineness and Marking	—	—	—	1999
16.	7981303	23-10-2009	Shanti Jewellers 13/A, Shop No. U 32, 33, Jolly Shopping Point, Oppabhinandan A/C Market Ghod Dod Road, Surat 395 001	Gold and Gold Alloys, 1417 Jewellery/Artefacts-Fineness and Marking	—	—	—	1999
17.	7981404	23-10-2009	Shree Krishna Jewellers 8.K.B. Shopping Centre, Bili Naka Nr. Radheshyam Temple, Bilmora 396 321	Gold and Gold Alloys, 1417 Jewellery/Artefacts-Fineness and Marking	—	—	—	1999
18.	7980907	16-10-2009	Silver Spring Health Care Plot No. 124/125, A, Jolwa, Thathithaiya, Palsana, Distt Surat	Packaged Drinking Water	14543	—	—	2004
19.	7972605	11-09-2009	Unifiex Cables 158/162, GIDC, Umbergaon 396171, Distt Valsad (Gujarat)	Crosslinked Polyethylene PVC insulated sheathed cables	7098	—	—	1988
20.	7982709	28-10-2009	M/s Rajendra Jewellers P Ltd 6 GF, 103 FF, National Plaza, C G Road Opp Lal Bungalow, Navrangpura, Ahmedabad 380009	Gold and Gold Alloys, 1417 Jewellery/Artefacts-Fineness and Marking	—	—	—	1999

नई दिल्ली, 2 फरवरी, 2010

का.आ. 511.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम स्थापित भारतीय मानक (कों) की संख्या	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अधवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि	
(1)	(2)	(3)	(4)
1. आईएस/आईएस ओ 105-सी 07: 1999 वस्त्र आदि- रंग के पक्केपन परीक्षण भाग सी 07 ब्रश से गीला रगड़ने पर वर्णक मुद्रित वस्त्रादि के रंग का पक्कापन	आई एस -11908:1986	जुलाई 2009	
2. आईएस/एस ओ 105-सी 09: 2001 वस्त्रादि -रंग के पक्केपन के परीक्षण भाग सी 09 घरेलू एवं व्यावसायिक रूप से धुलाई के प्रति रंग का पक्कापन फॉसफेट रहित डिटरजेंट के प्रयोग से कम ताप बाले ब्लीच युक्त आकसीकरण ब्लीच का प्रत्युत्तर	शुन्य	जुलाई 2009	

इन भारतीय मानकों की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादूर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों; नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, नागपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : टीएक्सडी/जी-25]

पी. भट्टनागर, वैज्ञानिक 'ई' एवं प्रमुख (टीएक्सडी)

New Delhi, the 2nd February, 2010

S.O. 511.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed has been established on the date indicated against it:

SCHEDULE

Sl. No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established	
(1)	(2)	(3)	(4)
1. IS/ISO 105-C 07: 1999 Textiles—Tests for Colour Fastness part C 07 Colour Fastness to Wet Scrubbing of pigment Textiles	IS 11908: 1986	July 2009	
2. IS/ISO 105-C09: 2001 Textiles—Tests for Colour Fastness part C 09 Colour Fastness Domestic and Commercial Laundering—Oxidative Bleach Response using a Non-Phosphate reference Detergent incorporating a Low Temperature Bleach Activator	Nil	July 2009	

Henceforth, these standards will be available for sale.

Copies of these Standards are available for sale with HQ. at Bureau of Indian Standards Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

P. BHATTNAGAR, Sc. 'E' & Head (Textiles)

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 फरवरी, 2010

का. आ. 512.—तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा (3) की उप-धारा (3) के द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री एस. सुन्दरेशन, सचिव, पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय को 31 जनवरी, 2010 अपराह्न से अगला आदेश जारी होने तक श्री आर. एस. पाण्डेय, के स्थान पर तेल उद्योग विकास बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[सं. जी. 35012/2/91-वित्त-II]

एस. सी. दास, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 11th February, 2010

S. O. 512.—In exercise of the Powers conferred by Clause (c) of sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with effect from the afternoon of 31st January, 2010 and until further orders, Shri S. Sundaresan, Secretary, Ministry of Petroleum and Natural Gas, as the Chairman of the Oil Industry Development Board vice Shri R. S. Pandey.

[F. No. G. 35012/2/91-Fin-II]

S. C. DAS, Under Secy.

नई दिल्ली, 11 फरवरी, 2010

का. आ. 513.—तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा (3) की उप-धारा (3) के खंड (ग) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री आनन्द कुमार, निदेशक (अनु. एवं वि.), इंडियन ऑयल कार्पोरेशन लिमिटेड को दिनांक 11-1-2010 से 30-6-2010 या अगले आदेश जारी होने तक तेल उद्योग विकास बोर्ड के सदस्य के रूप में पुनर्नियुक्त करती है।

[सं. जी. 35012/2/91-वित्त-II]

एस. सी. दास, अवर सचिव

New Delhi, the 11th February, 2010

S. O. 513.—In exercise of the Powers conferred by Clause (c) of sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby re-appoints, Shri Anand Kumar, Director (R&D), Indian Oil Corporation Ltd., as a member of the Oil Industry Development Board, with effect from 11-1-2010 to 30-6-2010 or until further orders.

[No. G. 35012/2/91-Fin-II]

S. C. DAS, Under Secy.

नई दिल्ली, 16 फरवरी, 2010

का. आ. 514.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको इस अधिसूचना से युक्त भारत सरकार के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइनें बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री किशोर कुमार शर्मा, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105 इन्ड्रा विहार तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील अटरू जिला : बारा राज्य : राजस्थान

क्र.सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल (हेक्टेयर में)
(1)	(2)	(3)	(4)
1.	खेड़ली बांसला	528	0.1350
		549	0.0216
		550	0.0828
2	अटरू	302	0.0558
		303	0.0270

[फा. सं. आर-31015/3/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 16th February, 2010

S. O. 514.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Kishore Kumar Sharma, Competent Authority, Bina-Kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar, Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

Tehsil : Atru District : Baran State : Rajasthan

S.No.	Name of village	Survey No.	Area in Hectare
(1)	(2)	(3)	(4)
1.	Khedli Bansla	528	0-1350
		549	0-0216
		550	0-0828
2.	Atru	302	0-0558
		303	0-0270

[F. No. R.-31015/3/2009-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 16 फरवरी, 2010

का. आ. 515.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की

प्रतीयां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार का अर्जन के सम्बन्ध में श्री किशोर कुमार शर्मा, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105, इन्द्रा विहार, तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बारा जिला : बारा राज्य : राजस्थान

क्र.सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल (हेक्टेयर में)
(1)	(2)	(3)	(4)
1.	खेराली	862	0.1140

[फा. सं. आर-31015/2/2008-ओआर II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 16th February, 2010

S.O. 515.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Kishore Kumar Sharma, Competent Authority, Bina-Kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105, Indra Vihar, Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

Tehsil : Baran District : Baran State : Rajasthan

S.No.	Name of village	Survey No.	Area in Hectare
(1)	(2)	(3)	(4)
1.	Khairali	862	0-1140

[F. No. R.-31015/2/2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 16 फरवरी, 2010

का.आ. 516.—केन्द्रीय सरकार ने पेट्रोलियम और धोषणा पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 249 तारीख 4 फरवरी, 2008 जो भारत के राजपत्र तारीख 9 फरवरी, 2008 में प्रकाशित की गई थी, द्वारा इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्य प्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए बीना-कोटा पाइपलाइन परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की धोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 अप्रैल, 2008 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह धोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस धोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : लाडपुरा	जिला : कोटा	राज्य : राजस्थान	
क्र.सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल (हेक्टेयर में)
(1)	(2)	(3)	(4)
1.	ताथेड़	768	0.0020
		769	0.1700

[फा. सं. आर-31015/7/2009-ओआर II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 16th February, 2010

S. O. 516.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 249, dated the 4th February, 2008, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 9th February, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 29th April, 2008;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Ladbura District : Kota State : Rajasthan

S.No.	Name of village	Survey No.	Area in Hectare
(1)	(2)	(3)	(4)
1.	Tathed	768	0.0020
		769	0.1700

[F. No. R.-31015/7/2009-OR-II]

A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 22 जनवरी, 2010

का.आ. 517.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 18/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-01-2010 को प्राप्त हुआ था।

[सं. एल-22012/78/2004-आई.आर. (सी एम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 22nd January, 2010

S.O. 517.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2005) of the Central Government Industrial Tribunal -cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Western Coalfields Limited, and their workmen, received by the Central Government on 22-01-2010.

[No. L-22012/78/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/18/2005

Date: 21-12-2009

Petitioner/Party No. 1:

Shri G.N. Shah,
Chief General Secretary,
M.P. Koyla Khadan Mazdoor Panchayat,
Junnardeo, Madhya Pradesh
(on behalf of Shri Sri Ram)

Versus

Respondent/Party No. 2 :

The Chief General Manager,
Western Coalfield Limited,
Kanhan Area, Parasia,
Madhya Pradesh

AWARD

(Dated: 21st December, 2009)

1. The Central Government after satisfying the existence of dispute between shri G. N. Shah, Chief General Secretary, M.P. Koyla Khadan Mazdoor Panchayat, Junnardeo, Madhya Pradesh (Party No.1) and the Chief

General Manager, Western Coalfield Limited, Kanhan Area, Parasia, Madhya Pradesh (Party No.2) referred the same for adjudication to this Tribunal vide its letter No. L- 22012/78/2004-IR (CM-II) dated 28-01-2005 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. “Whether the management of WCL, Pench Area is justified in refusing to provide employment to Shri Sri Ram, dependant son of Late Shri Ayodhya Prashad ? If not, to what relief is the said dependant entitled ?”

3. The reference came up for hearing on 23-1-2007 on which the Petitioner and his Counsel were absent. The Respondent and his counsel were also absent. Both the parties are not attending the Court since last more than two and half years. The petitioner has also not even filed a statement of claim. I do not think it proper to continue the case on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 21-12-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 25 जनवरी, 2010

का.आ. 518.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या आर/87/2004 को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-01-2010 को प्राप्त हुआ था।

[सं. एल-12011/63/2004-आई.आर. (बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 518.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. R/87/2004) of the Central Government Industrial Tribunal -cum-Labour, Court Jabalpur now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 22-1-2010.

[No. L-12011/63/2004-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/87/2004

Presiding Officer : Shri Mohd. Shakir Hasan

The General Secretary,
Nationalised Bank Karmchari Sangathan,
9, Sanwer Road,
Ujjain (MP) Workman/Union

Versus

The Regional Manager,
Punjab National Bank ,
Regional Office, Roshanpura Naka,
Bhopal (MP) Management

AWARD

Passed on this 4th day of January, 2010

1. The Government of India, Ministry of Labour *vide* its Notification No. L- 12011/63/2004-IR (B-II) dated 19-7-04 has referred the following dispute for adjudication by this tribunal :-

“Whether the action of the management of Zonal Manager, Punjab National Bank , Bhopal in not granting appointment on compassionate ground in R/o Smt. Shashikanta Raikwar W/o Late S. N. Raikwar is justified ? If not, what relief she is entitled for ?”

2. The case of the applicant/Union, in short, is that Shri S. N. Raikwar was clerk in the Punjab National Bank at Bhopal from 19-8-1983 and died from cancer on 20-8-2000 leaving behind his widow Smt. Shashikanta Raikwar, a minor son and two minor daughters. The younger daughter is retarded from birth and is continuously being treated at Asha Niketan Hospital, Bhopal, It is stated that the widow took loan of Rs. Two Lakhs from different persons for the treatment of her husband and after the death of her husband, she repaid Rs. 2, 25,000 to the loaners from the death benefits given to the widow by the management Bank. It is also stated that she is getting monthly family pension to the extent of Rs. 3,800 per month but the same is insufficient to meet the two ends.

3. The further case of the applicant is that the widow of Late S. N. Raikwar submitted an application for appointment on compassionate ground. The form in which the application was in English and the same was filled up by the staff of the Bank. The applicant sent several reminders to the management Bank by Registered post. Lastly the management Bank refused the application for appointment on compassionate ground considering her financial

condition though she is below extreme poverty line. It is stated that her husband's last pay was about Rs. 12,000 and the pension is below 60% as such the applicant and her children are in great monetary crisis. Under the circumstance, it is submitted that the reference be answered in favour of the applicant.

4. The non-applicant/management Bank appeared and filed Written Statement. The case of the management Bank inter alia, is that Nationalised Bank Karamchari Sangathan is not a recognised Union with the management Bank and the deceased workman nor his widow were member of the said Union. The said Union has no locus standi to raise the dispute. It is also stated that the employment on compassionate ground does not constitute Industrial dispute as defined in Section 2 (K) of the Industrial Dispute Act. It is stated that Late Shri S. N. Raikwar was appointed w.e.f. 19-8-83 initially on the post of peon but subsequently he was promoted to the post of clerk. Admittedly he died on 20-8-2000. The widow Smt. Shashikanta Raikwar submitted an application in the prescribed performa for appointment on compassionate ground. The application is said to have been forwarded to Head office at New Delhi. The Senior Manager HRD asked certain more particulars of the deceased Raikwar from senior Regional Manager Bhopal for considering the application. The said particulars is said to have been sent to the Head Office. It is stated that Smt. Raikwar received Rs. 3,62,964 towards Provident Fund, Gratuity, benevolent, Leave encashment Ex-gratia and relief fund on the death of her husband. The amount of Rs. 3,867 is also being paid every month on account of family pension. After considering the financial condition the competent authority rejected the application of Smt. Raikwar for providing employment on compassionate ground. The decision of the competent authority is said to have been communicated to Smt. Raikwar *vide* letter dated 3-11-2001. The applicant again submitted a representation dated 31-12-2001. The same was also considered and was finally rejected as no new ground was raised by the applicant.

5. The further case of the management Bank is that the policy of compassionate appointment was framed by the management Bank in pursuance of the decision of the Hon'ble Apex Court passed in Umesh Kumar Nagpal versus State of Haryana reported in 1994 (4) S.C.C. 138. One of the clause is that financial condition of the family of the deceased employee dying in harness is to be considered for compassionate appointment provided the family is without sufficient means of livelihood, specially keeping in view of the following -

- a. Family Pension
- b. Gratuity Amount Received.
- c. Employee's /employer's contribution to PF
- d. Any compensation paid by the Bank or its welfare fund

- c. Proceeds of LIC Policy and other investment of the deceased employer
- f. Income for family from other sources
- g. Employment of other family members
- h. Size of the family and liabilities, if any etc.

The action of the management for not granting appointment on compassionate ground is in accordance with the terms and conditions of the scheme. Hence the reference be answered in favour of the management Bank.

6. On the basis of the pleadings of both parties, the following issues are settled for adjudication—

I. Whether the action of the Zonal Manager, Punjab National Bank, Bhopal in not granting appointment on compassionate ground to Smt. Shashikanta Raikwar is justified?

II. If not what relief she is entitled for?

7. The following facts are admitted by both the parties in their pleadings—

1. The deceased Shri S. N. Raikwar was clerk in the Punjab National Bank at Bhopal who died on 20-8-2000.

2. The widow Smt. Shashikanta Raikwar submitted an application on prescribed performa for appointment on compassionate ground and the same was rejected keeping in view the financial conditions of the family. Again representation was filed but the same was also rejected considering that there was no new ground.

3. The family pension of Rs. 3867 per month is being paid to the family of the deceased S. N. Raikwar.

8. Issue No. 1:

Now let us examine the evidence of the parties adduced in the case to determine that as to what is the financial conditions of the applicant Smt. Raikwar and her family alongwith their liabilities. The Union/Applicant has examined only the applicant Smt. Shashikanta Raikwar in the case. In examination in chief, she has supported her case. She has stated that she took loan of Rs. Two Lakh for the treatment of cancer of her husband. She has stated that she has one son and two daughters and all are minors and the youngest daughter is retarded from birth. She has further stated that the youngest daughter is in continuous treatment. She has also stated that after the death of her husband, the deposited amount of the Bank was taken away and the loan of Rs. Two and Half Lakh was paid. She has admitted that she is getting pension of Rs. 3800 but the same is insufficient to bear the expenses of house tax, electric bill, children's education and the treatment of retarded daughter. Her evidence shows that the major

portion of death-cum-retirement benefits amount was utilized in paying the loan taken for treatment of her husband. She has admitted in her evidence that she had received Rs.3,62,964 as the amounts of P. F., gratuity and other benefits from the Bank and is receiving Rs. 3867 per month as pension after the death of her husband. She has further admitted that the last drawn salary of her husband was Rs. 6363. The gross salary as per Paper M/4 of the management is Rs. 10,064.75. It shows that she is getting less than 60% of this gross salary amount as family pension. However the management Bank has not taken any denial of the liabilities raised by the applicant in her evidence.

9. Now the documentary evidence adduced by the applicant is to be examined. Admittedly the burden is on the applicant/ Union that there is insufficient means on account of liabilities before claiming appointment on compassionate ground. Both the parties have filed the circular letter of the scheme for appointment of dependants of the deceased employee's on compassionate grounds which is marked as Exhibit W/2. Clause 10 of the said circular is reproduced below :

“Financial condition of the family :

The dependents of an employee dying in harness is to be considered for compassionate appointment provided the family is without sufficient means of livelihood, specifically keeping in view of the following—

- a. Family Pension
- b. Gratuity Amount Received.
- c. Employee's/employer's contribution to PF.
- d. Any compensation paid by the Bank or its welfare fund
- e. Proceeds of LIC Policy and other investment of the deceased employer
- f. Income for family from other sources
- g. Employment of other family members
- h. Size of the family and liabilities, if any etc.”

10. It is not disputed that the size of the family is widow and three minor children. There is no evidence to establish that any other family members are in employment, though it is admitted that other family members are minors. There is no evidence to show that the family has any other sources of income. The only admitted income is the pension of Rs. 3,867 per month and Rs. 3,62,964 of PF and gratuity etc. There is no other sources of income disclosed of the family by either of the parties.

11. The applicant has filed copy of the certificate of the doctor of Jawahar Lal Nehru Cancer Hospital and Research Centre, Bhopal to show that the deceased S. N. Raikwar

was suffering from cancer of Gall Blader with liver metastasis and had received two chemotherapy which is paper No. P/3. Exhibit W/1 is the death certificate which shows that Late Raikwar died on 20-8-2000. This is an admitted document. It appears that this fact was not raised before the authority while seeking compassionate appointment. The applicant has also filed the reply of the management filed before the Asstt. Labour Commissioner Bhopal. The said reply is admitted by the management and is marked as Exhibit W/4. Para-7 of the said reply clearly shows that the management Bank had admitted that Rs. 3,62,964 is said to have been paid towards P.F., gratuity etc. but Rs. 1,36,647 was adjusted towards different loans taken by the deceased employee. In fact it appears that the widow had received only Rs. 2,26,317 in cash towards P.F., gratuity etc. Thus admittedly the accounted income of the family of the deceased S.N. Raikwar as proved is Rs. 3867 towards pension per month and Rs. 2,26,317 which was paid in cash to the widow of the deceased employee. The applicant has filed photocopies of the treatment of the youngest daughter who is said to be mentally retarded but this plea appears to be not taken before the appointing authority to show a perpetual liability. The applicant has raised that she had taken loan of Rs. Two Lakhs for the treatment of her husband and the same was paid to the loanee on receipt of the amount from the Bank. The applicant/Union has failed to show any documentary evidence that she had taken loan for treatment of her husband from different persons and the same were paid to them. However, the cause of death of her husband was cancer and he was treated by two courses of chemotherapy. Thus it is clear that the applicant had not raised her liabilities before the competent authority who had rejected his application vide letter dated 3-11-2001 (M/5).

12. The management has also examined his evidence in the case. Management witness Shri Anil Kumar Agrawal is Manager in Punjab National Bank. He has stated that Late S.N. Raikwar died on 20-8-2000. Thereafter the widow Smt. Shashikanta Raikwar filed an application in the prescribed proforma for appointment. The copy of the said application is M/2. The said application clearly shows that the applicant had stated only about the size of family. It is stated that there are four members including applicant and all the children are minors. It shows that no other liabilities were indicated that she took loan of Rs. Two Lakhs for the treatment of her husband who died in cancer and one of the minor daughter is mentally retarded and requires regular treatment besides education and other expenses. The only explanation in the evidence of the applicant is that the said form was filed up by the staff of the Bank and she does not know English. This shows that the liabilities, as have been raised, were not raised before the competent authority.

13. The management witness has also stated in his evidence that the applicant has also income of the interest

on the amount of Rs. 2,26,317. There is no specific evidence that who is paying the interest and if the bank is paying the interest, then as to what is the account number. Simply by saying that she is getting interest of the amount of

Rs. 2,26,317 is not a sufficient evidence to prove the additional income. M/5 is the rejection of application for appointment on compassionate ground. The reason only assigned that keeping in view of the financial condition, the said application was rejected. Again representation was filed which was also rejected vide letter dated 11-7-2002 which is Exhibit W/3, and the same document was filed by the management as M/7. The said representation was again rejected as no new ground was raised. The said letter further shows that the amount of pension, amount of terminal dues paid and other facts viz-a-viz liabilities upon Late Shri S. N. Raikwar at the time of death were considered and then it was rejected. It appears that liabilities of loan taken for treatment of cancer of her husband and regular treatment of retarded daughter were not raised before the competent authority.

14. The management Bank has relied upon a decision reported in (2007) 9.S.C.C. 571 State Bank of India & Others versus Jaspal Kaur. The Hon'ble Apex Court has held :

“Hence a major criterion while appointing a person on compassionate grounds should be the financial condition of the family the deceased person left behind. Unless the financial condition is entirely penurious, such appointments cannot be made. In the present case, the financial condition of the respondent's family is not one of the destitution, the appellants have already paid a sum of Rs. 4,57,607 terminal benefits” after deducting Rs. 19,183 towards liabilities; a sum of Rs. 2055 p.m. was being paid towards family pension and monthly income under Staff Mutual Welfare Scheme and in addition the total monthly income of the family comes to Rs. 5855 (Monthly pension of Rs. 2055 + Rs. 3800 p.m. as notional interest on the investment of Rs. 4,57,607). The competent fact-finding authority on the basis of the above financial details had arrived at the conclusion that the financial condition of the family is not penurious and that the family earns sufficient income to maintain themselves. Hence appointment on compassionate ground was not granted to the respondent. We, however, do not feel the necessity to interfere with this order of the Bank Authority on the fact situation of this case.”

“Also we are of the view that the specially constituted authorities in the rules or regulations like the competent authority in this case are better equipped to decide the cases on facts of the case and their objective finding arrived on the appreciation of the full facts should not be disturbed. Both the benches of the High Court that heard this present matter have erred in entertaining the claim of the respondent and allowing the claim of the

respondent. This was the view taken in a recent decision of this Court in *Union Bank of India v. M. T. Latheesh* where the Court observed that :

“Learned Single Judge and the Division Bench by directing appointment has fettered the discretion of the appointing and selecting authorities. The Bank had considered the application of the respondent in terms of the statutory scheme framed by the Bank for such appointment.”

The management Bank has also relied the decisions reported in (2004) 7 S.C.C. 271 *General Manager (D&PB) & Others Versus Kunti Tiwary & another*, 2004 (4) M.P.L.J 571 *Shailendra Singh versus State of M.P & ors*, (2007) 4 S.C.C. 778 *SBI & ors Vrs. Somvir Singh* and (2004) 7 S.C.C. 265 *Panjab National Bank & others versus Ashwini Kumar Taneja*. I do not find proper to interfere the action of the competent authority objecting the appointment of the applicant on compassionate ground. However it is clear that the liabilities, as has been discussed above, have not been raised by the applicant before the competent authority at the time of disposal of the application. The applicant, if so desire may file fresh representation with documents showing her liabilities before the management Bank within one month from the receipt of the copy of award. On filing such representation, the management shall dispose of the representation keeping in view the liabilities of the applicant for considering sufficient means of livelihood in accordance with the scheme. This issue is, accordingly, decided.

15. Issue No. 2 :

In the light of above observation, this issue is decided.

16. Hence, on the basis of above observation, the award is passed without any order to costs.

17. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer
नई दिल्ली, 25 जनवरी, 2010

का.आ. 519.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एवं सिन्ध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 144/2003 को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-01-2010 को प्राप्त हुआ था ।

[सं. एल-12012/49/2003-आईआर (बी-II)]
यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 519.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 144/

2003) of the Central Government Industrial Tribunal -cum-Labour Court -I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on 22-11-2009.

[No. L-12012/49/2003-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. 144/2004

Shri Kuldeep Singh C/o Shri R. K. Singh Parmar, 211-I.,
Brari, PO- Partap Nagar, Nangal Dam, Ropar.

...Applicant

Versus

The Zonal Manager, Punjab and Sind Bank, Zonal
Office-II, Jalandhar City.

...Respondent

APPEARANCES

For the Workman : Sh. R. K. Singh Parmar.

For the Management : Sh. J. S. Sathi..

AWARD

Passed on 4-1-2010

Government of India vide its Notification No. L-12012/49/2003-IR (B-II) dated 24-6-03, by exercising its powers under Section 10 of the Industrial Disputes Act, ('the Act' in short) has referred the following Industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of Punjab and Sind Bank in terminating the services of Shri Kukdeep Singh S/o Shri Bhagwan Singh, Ex-Peon (Daily Wage Basis) w.e.f. 12-08-99 without any notice and without any payment of retrenchment compensation is legal and just ? If not, what relief the concerned workman is entitled to and from which date ?”

The core issue in this reference as referred by the Central Government to this Tribunal for adjudication is the legality of termination order. It is contended by the workman that he has completed 240 days of work in every calendar year, he served with the management of respondent bank. His termination was illegal and void being against the provisions of the Act as no notice or one month wages in lieu of the notice and lawful terminal dues were paid to him before terminating his services. Apart from illegality of termination order, this Tribunal has also to answer on the issue of relief, if any.

The workman in his statement of claim has stated that he was appointed as temporary peon in the year 1989

in Rajpura Branch Office of the respondent bank. He continues to work with the bank as such till 01-01-93. Thereafter, he was enrolled as a daily waged worker and continuously worked as daily waged worker with the management till 25-06-96. During his service tenure, he was transferred from one branch office to another. His work was satisfactory and as stated earlier, his services were terminated without notice or one month wages in lieu of notice and without lawful terminal dues. The workman on the basis of the above facts has requested for an order of this Tribunal setting aside the termination order which was illegal and void being against the provisions of the Act. The workman has also prayed for the consequential order of his reinstatement into the services with consequential benefits.

The management of the respondent bank appeared and admitted that the workman was appointed as daily waged worker temporarily to discharge the work on need basis. In its written statement, the management has not disputed and denied in clear terms that workman had completed 240 days in the preceding year from the date of his termination. It has been asserted by the management that workman has not put in his continuous services as defined in Section 25 b of the Act and accordingly he was not protected by any provisions of the Act.

Neither in pleadings nor in evidence the management specifically denied the fact of completion of 240 days of work in the preceding year from the date of his termination. The management alternatively, in para no. 5 of the preliminary objections, has asserted that for argument sake the action of the bank is held to be illegal, the workman be suitably compensated instead of directing the management to take the workman back in services.

Both of the parties were afforded the opportunity for adducing evidence. Party adduces the oral evidence and filed the documentary evidence. Management of respondent bank filed certain vouchers to prove the working days of the workman. Thereafter, the management and the workman have filed independent set of vouchers to prove the working days.

The parties were heard at length.

On perusal of the evidence of the parties, documentary and oral, it is evidently clear that the workman was directly appointed by the management of the bank on daily waged basis and the wages were paid sometimes, daily sometimes, after 3/4 days and sometimes weekly. He was under the administrative control of the bank. The management of the bank was having the administrative control over the workman is proved by the admitted fact that the services of the workman were taken by the different branch offices of the respondent bank. He was transferred from one branch office to another for discharging his duties. No doubt, this transfer of the workman for discharging services at different branch office has been challenged by

the management of the bank on the ground that services rendered at different branch office, constitute a different term and it cannot be treated the continuous rendering of services. Without disputing the issue, this fact is proved that workman had worked completely under the administrative control of the management of the bank. He was paid the wages directly by the management of the respondent bank. Hence, there was master and servant relationship between the workman and the management of the bank. On the basis of the above observation, I am of the view that there existed the employer-employee relationship between the workman and the management of the respondent bank.

The only question left behind to answer is whether the workman had worked for 240 days in the preceding year from the date of his termination ? As stated earlier, there is no specific denial regarding the working of the workman for 240 days with the management of respondent bank in the preceding year from the date of his termination. moreover, in his cross-examination, the witness of the management Shri Balbir Singh, Senior Manager, stated that workman had not completed 240 days in the preceding year from the date of his termination. He has further stated that workman has completed the work of 227 days. He further more stated that in calculating the 227 days, Sunday and other national holidays have not been counted. This evidence in his cross-examination has been given on the basis of the vouchers which the management has preferred to file. On perusal of the vouchers, filed by the management and the workman, it is evidently clear that few of the vouchers have not been filed by the management. The workman had continuously worked for 9 years with the management of respondent bank and if entire evidence on record is cumulatively considered, it is clear that the workman had worked much more then 240 days not only in the proceeding year from the date of his terminatin but in every calendar year he has worked with the management of respondent bank .

The termination of the services of the workman was protected by the provisions of the Act. The provision of the Act does not bar the management for termination of the services of a daily wage worker, but the Act regulates it. The services of the legally appointed daily waged worker cannot be terminated against the provisions of the Act. The Act provides that the services cannot be terminated without a month notice or one month wages in lieu of the notice and legal terminal dues. If this procedure for termination of the services of the daily waged worker has not been complied with, the termination become illegal. It is admitted fact that no wages in lieu of notice or terminal dues were paid to the workman nor any notice was given before the termination of his services, hence, I am of the view that the termination of the services of the workman was illegal and void being against the provisions of the Act. Now the question arise how this illegal Act of the

management for terminating the services of the workman against the provisions of the Act should be remedied ? Consequently what relief should be awarded to the workman ? As per the settled principle of service jurisprudence, there are two possible remedies available. In the case of illegal termination the management may be directed to reinstate the services of the workman with or without consequential benefits. Another remedy may be a reasonable compensation. It is also the settled principle of service jurisprudence that priority should be given to the reinstatement of the services of the workman and in exceptional circumstances the management should be directed to compensate the workman with reasonable amount of compensation. The exceptional circumstances may be where no work is available with the management etc. In this reference, it is specifically mentioned by the management that no work is available. No post is lying vacant to accommodate the workman. The management has requested that in case the termination is held to be illegal, the workman may be compensated. Under such circumstances, I am of the view that the workman should be compensated with an amount of reasonable compensation.

To calculate the reasonable amount of compensation, this Tribunal should adopt a reasonable criteria. The facts to be considered in adopting reasonable criteria are the wages of the workman at the time of termination, amount of retrenchment compensation, interest on the wages and the terminal dues, depreciation of money and inflation, length of services the workman served with the management etc. Considering all the factors in general and particular the length of the services of the workman, in my view an amount of Rs. 2,00,000 (two lakhs rupees only) will be a reasonable compensation to meets the ends of justice. Accordingly, the management of respondent bank is directed to pay deposit the amount of Rs. 200,000.(two lakh rupees only) within one month from the date of publication of this award. If this amount is deposited/paid within one month from the date of publication of the award, management need not to pay any interest, failing which the workman will be entitled for an interest at the rate of 8 per cent per annum from the date of filing the claim petition till final payment. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नंदु दिल्ली, 25 जनवरी, 2010

का.आ. 520.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन् इन्जीनियर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय - 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 210/2001 को

प्रकाशित करती है, जो केन्द्रीय सरकार को 25-01-2010 को प्राप्त हुआ था ।

[सं. एल-13011/12/2000-आईआर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 520.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 210/2001) of the Central Government Industrial Tribunal -cum-Labour Court -I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Garrison Engineer and their workman, which was received by the Central Government on 25-01-2010.

[No. I-13011/12/2000-IR (D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case I. D. No. 210/01

Shri Kashmir Singh, Gian Chand and Prem Singh C/o The Branch Secretary, MES Workers Union, Branch Office, MES Dagshai, Solan (HP) ...Applicants

Versus

1. The Commander Works Engineer (Headquarter), Chandimandir, Panchkula (Haryana)
2. The Garrison Engineer, MES, Kasauli, Solan (HP).

...Respondents

APPEARANCES

For the Workman : Sh. D. R. Sharma, Advocate.
For the Management : Sh. Sanjeev Sharma, Advocate.

AWARD

Passed on 14-1-2010

Government of India vide Notification No. I- 13011/12/2000/IR (D.U) dated 27-04-2001, by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the following Industrial dispute for adjudication of this Tribunal :—

“Whether the demand of the MES workers Union from the Garrison Engineer, MES, Kasauli and Commander Works Engineer (Head Quarter), Chandimandir for regularization, Promotion and reclassification of 3 workers namely ; S/Sh. Kashmir Singh, Gian Chand and Prem Singh is just and legal ?

If so to what relief the concerned workmen entitled and from which date?"

On perusal of the pleadings of the parties, the main dispute of the workmen and the respondent management is whether the in action of management regarding regularization of three workers namely; S/Sh. Kashmir Singh, Gian Chand and Prem Singh is legal and justified? On perusal of the pleadings of the parties, it is also evident that there is no dispute regarding initial appointment of all the 3 workmen and their reclassification as MPA in the year 1984 in the Pay Scale of Rs. 260-400. On objection of the Headquarter, the reclassification was cancelled and all the 3 employees along with others were reverted from the post of MPA to the post of Mazdoor with effect from 18-10-1995 due to cancellation of reclassification of MPA vide order No. 44 of 85 dated 29-10-1985. The main grievance of all the 3 workmen jointly is that illegal reclassification of other workmen was legalized by the respondent, whereas, the illegal reclassification of 3 workmen was not legalized. It is admitted facts that vide order dated 14-03-1997 and 25-03-1997 which are on record as Ex. W-5 and W-6 respectively, the services of 34 persons whose reclassification was illegal were regularized.

The contention of the workmen is that their illegal reclassification was not illegally legalized along with 34 other persons.

The contention of the management is that names of all the 3 workmen were also sent to the Central Government for regularization of their reclassification but the names of all the 3 workmen were returned by the Central Government without any action.

Both of the parties were afforded the opportunity for adducing evidence. Workmen filed the affidavit and were cross-examined by the learned counsel for the management. Workmen were also afforded the opportunity for adducing evidence. One Col. Anil Singh filed the affidavit along with two documents. But he was not produced before this Tribunal for cross-examination. Order sheet of the file reveals that on 03-07-2008, evidence of the management was closed and the file was listed for hearing arguments. Management moved an application for setting aside order dated 03-08-2007 and for an opportunity of hearing. This Tribunal vide order dated 13-12-2007 set aside the order dated 03-08-2007 at the cost of Rs. 800 and the opportunity of adducing evidence was afforded to the management. Order dated 03-11-2008 also make it clear that evidence of the management was closed once again because no evidence was adduced by the management inspite of proper and adequate opportunity. File was once again fixed for hearing arguments. I have heard the arguments of both of the parties at length.

It is hereby made clear that affidavit filed by the witness of the management shall not be read into evidence because the person concerned who filed the affidavit was not subjected to examination. Adequate opportunities were afforded to the management to produce the person concerned for cross-examination but the management failed.

It is admitted that all the 34 persons whose reclassification was legalized vide order Ex. W-7 were amongst the illegal reclassification workers. Their case was not on different footings than 3 workers. It is the contention of the management that reclassification was legalized as per the seniority. The list contains the name of some persons who were very much junior to the three workmen and whose reclassification was legalized. Article 14 and Article 21 of the Constitution contains such rights which cannot be violated by the State. Article 14 is relating to right to equality whereas, article 21 is relating to right to life and personal liberty. Right to equality cannot be denied by the State. Right to equality includes the equality before the law and equal protection of laws. The doctrine of equal protection, the law permits to make a reasonable classification on the basis of reasonable criteria. There is no evidence before this Tribunal that three persons who were left behind for legalization of reclassification as per the policy of Central Government were from different groups than the persons whose reclassification was legalized. It means all the persons whose reclassification was legalized as per the policy of Central Government and three workmen in question were on the same footings. If all the workmen were on the same footings, it was not open to the management of respondent to treat the workmen differently by legalizing the reclassification of few workers and denied the legalization of reclassification for others. It is also evident from the record available to the Tribunal that seniority of the workmen in question was also violated. Some persons who were appointed after the workmen, such as Ramesh Singh listed at serial no.34 and Sada Nand listed at serial no.32 were considered for legalization of reclassification, whereas, the case of three workmen in question was not considered. It is violative of articles 14 and 21 of the Constitution.

It is true that this Tribunal-cum-Labour Court is the court of facts and cannot adjudicate the matters only on the basis of constitutional provisions. But facts and law both permit this Tribunal to interfere in denying the right to legalization of reclassification of three workmen in question. The seniority of all the three workmen was violated without any cause, which made the action of the management, denying the legalization of reclassification as per the policy of management illegal. Accordingly, the management is directed to consider the case of all the three workmen for legalization of reclassification as per the policy of Central Government mentioned in Exhibit W-5 and W-6 within one month from the date of publication of award and to give them the benefits from the date their juniors were benefited i.e. from 14-03-1997. Management is directed to consider the case of the workmen afresh and give the benefits from 14-01-1987 within one month from the date of publication of the award. Reference is accordingly answered. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

नई दिल्ली, 25 जनवरी, 2010

का.आ. 521.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय विद्यालय के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम व्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 36/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-2010 को प्राप्त हुआ था।

[स. एल-42012/200/1994-आई.आर.(डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 521.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.36/95) of the Central Government Industrial Tribunal cum Labour Court, No.1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kendriya Vidyalaya and their workmen, which was received by the Central Government on 25-1-2010.

[No. L-42012/200/1994-IR (DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,-1
CHANDIGARH**

Case No. 36/95

Shri. Hemant Kumar S/o Shri Ramesh Chander Dugga, Gali Bowli Ram Dayal, Amritsar Gate, Ferozepur City.

... Applicant

Versus

The Principal, Kendriya Vidyalaya No. -2 Ferozepur Cantt.

... Respondent

APPEARANCES

For the Workman : Sh. G. L. Bajaj

For the Management : Sh. D. R. Sharma.

AWARD

Passed on :- 11-1-10

Government of India vide notification No. L-42012/200/94-IR (DU), dated 5-5-95 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) for adjudication to this Tribunal:-

“Whether the action of the Principal, Kendriya Vidyalaya Sangathan-2 Ferozepur Cantt. in

terminating the services of Shri Hamant Kumar LDC w.e.f. 31-8-93 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

After receiving the reference, parties were informed. Parties appeared and filed their respective pleadings. The case of the workman in nut-shell is that he was appointed by the management of Kendriya Vidyalaya as LDC against the permanent vacancy on ad hoc basis. He was appointed as per the rules of the department. He worked three years on ad hoc basis. He has served as ad hoc employee from 1-10-90 to 1-9-92. Thereafter, he was appointed as daily waged worker. He worked as daily waged worker up to 31-8-93 and his services were terminated on 1-9-93. No notice or one month salary in lieu of notice and legal terminal dues were given to him at the time of the termination of his services. He requested to the management to regularize his services as per circular letter dated 7-2-87. Instead of regularizing, his services were terminated.

The management of respondent appeared and contested the petition by filing written statement. Management raised the preliminary objection that management is not an industry. It was also contended by the management that workman voluntarily abandoned his services. The appointment being ad hoc in nature is admitted but there is a dispute on the period the workman served. It is admitted that from 2-9-92 to 31-8-93 workman worked as daily waged worker.

Both of the parties were afforded the opportunity for adducing evidence. Evidence was recorded. Documentary evidence was filed.

Parties were heard at length. The main issues for adjudication before this Tribunal are:-

- (1) Whether the management of Kendriya Vidhalaya is an industry?
- (2) Whether the workman has abandoned his job or his services were terminated by the management?
- (3) Whether the workman has completed 240 days of work before the date of his termination and is entitled for the protection of circular letter dated 4-2-87?
- (4) Relief, if any.

On issues of industry, no evidence has been adduced by the management. Even this issue has not been raised by the management during cross-examination of workman and at the time of arguments. Instead of it, it is the duty of this tribunal to answer this issue. On term industry, Hon'ble the Apex Court in Bangalore Water supply and sewerage Board Vs. A Rajappa and others AIR, 1978, Supreme Court 548 has given very exhaustive view. As per the ratio of this judgement, every educational institution cannot seek

exemption from the term industry. The nature of any organization or any unit there under depends on the work discharged by it. Accordingly, whether the management is an industry or not depends on the work entrusted by the management to the workman and discharged by the workman. It is admitted that workman was doing the work of typist and was a non-teaching staff. Thus, the services taken by the management and the services renders by the workman comes under the definition of industry. On the basis of the above observation, I am of the view that management is an industry.

The management has taken the plea that workman abandoned his services. No evidence has been adduced by the management on this issue. Circumstances speak themselves. Right from the day of the termination of his services, the workman is trying to get the work in Kendriya Vidhalaya. In absentia of any evidence of the management regarding abandonment of job, this is the strong circumstance which leads to the conclusion that workman has not abandoned his job. Accordingly, I am of the view that the management has terminated the services of the workman.

Now the question arise whether the workman has completed 240 days of work in the preceding year from the date of his termination? The workman had worked in two phases. In the first phase he worked on ad hoc basis from 1-10-90 to 31-8-93. No doubt, the management had disputed it by saying that he worked on ad hoc basis from 24-7-91 to 1-9-92. The workman has provided with all the appointment letters. There are three appointment letters for different periods. On perusal of this appointment letters, it is evidently clear that workman worked with the management of Kendriya Vidhalaya, Ferozepur on ad hoc basis from 1-10-90 to 31-8-93. There is no dispute that it was an ad hoc appointment for 179 days up to a fixed date or the new incumbent joins the services whichever is earlier. An adhoc appointment is as good appointment as of permanent one accepts its tenure. Generally the ad hoc appointment made for a fixed term expires automatically on expiry of its term. There were two conditions in every appointment letter, namely fixed tenure and secondly new incumbent join the services. Both of those conditions were subject to the term which ever is earlier. It is the contention of the management that the ad hoc services of the workman were to be automatically terminated either on joining the new incumbent or on expiry of its term. Thus, on 31-8-93 which was the last day for the ad hoc appointment, the services of the workman automatically terminated and he cannot claim the right to post on the basis of the ad hoc appointment. It is further contended that he might have completed 240 days of work, if all the appointment letters taken cumulatively, but he will not be entitled for any relief because every ad hoc appointment letter will be considered separate and distinct one. On expiry of one ad hoc letter a second letter was issued for a fixed term subject to the condition mentioned in the appointment letter.

On perusal of all the materials on record, it is evident that workman was appointed on ad hoc basis for 179 days. It shows that work was available with the management and he was deliberately engaged on ad hoc basis for 179 days each for the purpose of preventing the workman to claim any lawful remedy under the provision of the Industrial Disputes Act. Thereafter, he worked as daily waged worker from 2-9-92 to 31-8-93. Hon'ble the Apex Court has also laid down the same principle in 2006 AIR SCW 2979, Haryana State Electronics Development Corporation Ltd. Vs. Mamni Hon'ble Apex Court has declared such practice as unlawful labour practice. In para no. 9 of the judgment, Hon'ble the Apex Court has held as under :—

“The respondent was appointed from time to time. Her services used to be terminated on the expiry of 89 days on regular basis. However, it is noticed that she used to be appointed after a gap of one or two days upon completion of each term. Such an action on the part of the Appellant cannot be said to be bona fide. The High Court rejected the contention raised on behalf of the appellant herein stating:

It is not possible for us to accept the aforesaid plea raised at the hands of the management on account of the fact that the factual position, which has not been disputed, reveals that the respondent-workman was repeatedly engaged on 89 days basis. It is, therefore, clear that the intention of the management was not to engage the respondent workman for a specified period, as alleged, but was to defeat the rights available to him under Section 25-F of the Act. The aforesaid practice at the hands of the petitioner-management to employ the workman repeatedly after a notional break, clearly falls within the ambit and scope of unfair labour practice.”

Where the work is available with the management and workman is effeciently discharging the function, it is the obligation of the management to provide with the continuous work without any break. If the continue work is not provided with, it will amounted to unlawful labour practice as laid down by Hon'ble Apex Court in Haryana State's case (supra).

It is true that the right claimed by the workman has no nexus with his appointment against permanent vacancy and the regularization of his services. The Industrial Disputes Act protects the workman for unlawful termination. It means that the termination of the services of the workman is not barred but it is regulated by the Act. If the services are terminated according to the procedure laid down in the Act, it cannot be said to be unlawful. It will not be unlawful termination. Meaning thereby, if a month notice is given or one month wages are paid along with lawful terminal dues the services of the workman can be retrenched.

As stated earlier, both of the tenure of the services namely appointment of the workman on ad hoc basis and his working as daily waged worker shall be counted and calculated as continuous service for the purpose of calculating the working days. If it is so considered, the workman has completed 240 days in the preceding year from the date of his termination. He was not given any notice nor paid one month wages in lieu of notice. He was also not paid legal terminal dues. Accordingly, the termination of workman from the services was illegal. In para No. 7 of the written statement the contention of the management is not accepted that he was not entitled for regularization of the services. The question before this Tribunal is not the regularization of the services of the workman but the protection from illegal termination. Considering the facts and circumstances of the case, this Tribunal is of the view that workman has not abandoned his services but his services were terminated by the management by oral order illegally.

When the services of any workman are terminated illegally against the provisions of the Act, there are two possible remedies. The first remedy may be the reinstatement of the workman into the services and another remedy is to compensate the workman by lawful compensation. It is settled law of service jurisprudence that priority should be given for reinstatement of the workman. In exceptional circumstances, the workman should be compensated with reasonable amount of compensation. Considering the facts and circumstances of the case that regularization of the services of the workman was not possible even if he continue to work, I am of the view that a reasonable compensation will meets the end of justice. Whenever, the workman is ordered to be compensated, the compensation should be based on reasonable criteria. The criteria for calculation the reasonable compensation in my opinion is the wages the workman was getting at the time of his termination, retrenchment compensation, one month wages, interest thereon, depreciation in the money, inflation etc. On the basis of above mentioned criteria and facts and circumstances of the case, I am of the view that an amount of Rs. 1,50,000 (One lakh fifty thousand only) will be a reasonable compensation to be paid to the workman. Accordingly, the management of the respondent is directed to pay/deposit an amount of Rs. 1,50,000 (One lakh fifty thousand only) with one month from the date of publication of the award. If this amount is paid within one month from the date of publication of the award, the management need not to pay any interest thereon, failing which workman will be entitled for an interest at the rate of 8 per cent per annum from the date of filing the petition till final payment. Let Central Government be approached for publication of the award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 25 जनवरी, 2010

का.आ. 522.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ग्रास लैंड एंड फोडार रिसर्च इंस्टिट्यूट के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकारण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 30/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-2010 को प्राप्त हुआ था।

[सं. एल-42012/301/1999-आई.आर. (डी.यू.)]
सुरेन्द्र सिंह, डंस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 522.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Grass Land and Fodder Research Institute and their workman, which was received by the Central Government on 25-1-2010.

[No. L-42012/301/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW**

PRESENT: N. K. PUROHIT, Presiding Officer

I. D. No. 30/2000

Ref. No. L-42012/361/99/IR (DU) dated: 3-3-2000

BETWEEN

Shri Om Prakash S/o. Sh. Amar Singh,
932, Outside Datia Gate,
Jhansi 284003

AND

Director,
Indian Grass Land and Fodder Research Institute,
Pahuz Dam, Gwalior Road,
Jhansi- 284003

AWARD

11-1-2010

1. By order No. L-42012/301/99-IR (DU) dated: 3-3-2000 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Om Prakash s/o Sh. Amar

Singh, 932, Outside Datia Gate, Jhansi and the Director, Indian Grass Land and Fodder Research Institute, Pahuz Dam, Gwalior Road, Jhansi for adjudication.

2. The reference under adjudication is:

“Whether the action of the management of Indian Grass Land and Fodder Research Institute, Jhansi in terminating the services of Sh. Om Prakash, Ex-Electrician w.e.f. 1-5-95 is fair, legal and justified? If not, to what relief the workman concerned is entitled and from which date?”

3. Case of the workman, Om Prakash, in brief, is that he was employed by the opposite party against a permanent post of Lab Assistant w.e.f. 1-3-1976 on being sponsored by the Employment Exchange and he worked as such till July, 1980 after which he was employed as Pump Operator from August, 1980 to July 1982 and was permitted to undergo training of Wireman at I.T.I., Jhansi. On completion of training he was employed as Wireman/Electrician from August, 1982 to April, 1995. It has been alleged by the workman that after having worked continuously for 19 years since 1-2-1976, his services were terminated, orally, in May, 1995 without any notice or any notice pay in lieu thereof, which led to violation of provisions of Section 25 F of the Industrial Disputes Act, 1947; although the Department during the year 1993, had issued guidelines for confirming and regularizing the employees; but the same were not complied with in the workman's case. He has further alleged that persons junior to him viz. Manohar S/o Shri Channey and Bhagwan Das S/o Shri Gopal are still working with the opposite party, which again led to violation of provisions of Article 14 & 16 of the Constitution of India. Accordingly, he has prayed that oral termination order be set aside and he be reinstated with back wages and be regularized with benefits available to other similarly situated persons.

4. The management of the Indian Grass Land and Fodder Research Institute (IGLFRI) has disputed the claim of the workman by filing its written statement wherein it has been submitted that the claim of the workman is not sustainable being time barred inasmuch as it does not comes in the ambit of term 'industry' as defined in the Section 2 (j) of the Industrial Disputes Act, 1947. It has further submitted that the workman was Daily Wages Muster Roll Employee and was engaged on a temporary work of intermittent nature which lasted for short period and his services ceased to exist automatically after the completion of project or research assignment, therefore there arise no question of terminating his services or violation of any of the provisions of I.D. Act. It has been submitted by the management that the workman worked with them for intermittent period and did not work for any day after March, 1993; hence there existed no employer-employee relations after March, 1993. The management of IGLFRI has submitted that the ICAR issued a direction in the year 1994, approving the temporary status scheme for adoption

by the ICAR and its constituent unit and such working labourers as on 1-9-93 were given benefits of the said scheme. It has further submitted that since the workman was not in the employment of the institute he could not avail the benefits of the scheme. Accordingly, the management of IGLFRI has prayed that the claim of the workman be rejected without any relief to him.

5. The workman has filed rejoinder wherein it has submitted that the management of IGLFRI is also indulged in trade activities by means of selling wood, milk and seed, including auction of animals and thus are clearly covered within the definition of 'Industry' as given in Section 2 (j) of the I. D. Act. Rest is nothing apart from reiteration of the facts already stated in the statement of claim.

6. The parties have filed documentary evidence in support of their respective cases. The workman has examined himself and D. Shri Prayag Singh, Sr Scientist, IGLFRI; whereas the management has examined Shri Mohan Swarup Sharma, Sr. Farm Manager and Shri N. Raja Bundela, Admin. Officer in support of their respective stands. Both the parties have filed their written arguments apart from forwarding oral submissions.

7. Heard the learned representatives of both the parties and scanned the entire material on record.

8. The opposite party has raised preliminary objection regarding maintainability of the claim of the workman on the ground that IGLFRI is not an industry. The opposite party is a registered Society under the provision of the Society Registration Act and is an affiliate of the Indian Council of Agriculture Research which is a registered society. The memorandum of Association of Indian Council of Agriculture Research clearly states that it has been established to undertake, aid, promote and coordinate agricultural and animal husbandry education research thus, it is not an industry within the meaning of section 2 (j) of the I.D. Act, 1947.

9. It is not disputed that opposite party is engaged in fodder cultivation such as grass, bersin etc. It is also not disputed that such seed and fodder is sold besides milk, cattels, wood is also sold there is systematic cooperation of the worker and employer in the activity of the institute. Casual labours are engaged in cultivating grass bersin etc. Thus, all ingredients of industry are fulfilled in the activities of the opposite party. In Bangalore Water Supply & Sewerage Board vs. A. Rajappa & others 1979 SC 539, Hon'ble Apex Court has observed that the absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector. Hon'ble Court has further observed:

‘Does research involve collaboration between employer and employee? The employer even though a research institute may be separate entity disconnected from the many industry which founded

the institute itself, it can be regarded as an organization, propelled by systematic activity, modeled on cooperation between employer and employee and calculated to through up discoveries and inventions and useful solutions which benefit individual industries and the nation in terms of goods and services and wealth. It following that Research Institutes, albeit run without profit motive are 'industry'.

10. Thus, in view of the definition of 'Industry' as explained by the Hon'ble Apex Court in abovementioned case, IGLFRI falls in the ambit of definition of term 'industry' under Section 2 (j) of the I. D. Act, 1947.

11. The opposite party has also questioned the maintainability of the reference on the ground of res-judicata. This objection is also not sustainable. Admittedly, the Writ Petition No. 30118 of 1998 in the High Court of Judicature at Allahabad was filed by the workers and others to get same relief, but the same was dismissed with liberty to petitioner to approach the Central Administrative Tribunal concerned. In said Writ Petition rights of the parties have not been decided thus, there is no question of operation of res-judicata in the matter.

12. Now, in terms of reference under adjudication it is to be seen whether action of the management in alleged termination of the workman is justified?

13. In this regard the workman, Om Prakash has stated on oath that he had worked from 1976 to 1995; but his services have been orally terminated without any notice and retrenchment compensation. He has further alleged that Gopal Das, Bhagwan Das and Manohar were junior to him, are still working in the institute. In cross-examination he has stated that at the time of termination of services he was getting Rs. 41.58 as wages. He has also stated that certificates Ex.W-1 and Ex.W-2 have been given by Dr. R. P. Singh and Dr. S. N. Singh respectively.

14. Dr. R. P. Singh has not been examined to prove the Certificate Ex.W-1, said to be given by him. Shri S. N. Singh has been examined to prove the certificate Ex.W-1 & Ex.W-2 who has stated that said certificates were issued in favour of the workman. In certificate Ex.W-1 he has verified the working period of the workman and certificate Ex. W-2 has been given by him. In cross-examination he has stated that the workman had worked under him up to 1991. In the year 1995 he was working in Seed Technological Department. From July, 92 to April, 95 he had worked in different departments. He has admitted in his cross-examination that certificate for period May, 93 to April, 95 has not been given on the basis of entry in Muster Roll. He has given certificates on the basis of his personal knowledge. He has admitted that he did not peruse the Muster Rolls from July, 82 to April, 95; he has further stated that a confidential list was prepared by Director, P. S. Tomar

regarding working days of the Daily Wager and on the basis of that he had certified that the workman had worked for 240 days. He has also stated that Dr. S. C. Saxena was in the administrative department, directed him to issue such certificates.

15. In rebuttal the management witness Dr. Mohan Swaroop Sharma has stated that he is working in the Institute as Sr. Regional Manager since 1987. The workman had never worked under him. He further stated that the workman had worked for 104 days in year 1990, 67 1/2 days in 1991, 14 days in 1992 and 32 1/2 days in the year 1993 and he had never worked continuously for 240 days in any year, therefore, temporary status was not granted to him. He has also stated that as per circular of 1991 d. s. who were working in 1993 and worked for more than 240 days have been granted temporary status. Since the workman was not in service, the benefits of temporary status was not given to him. As regard certificates issued in favour of the workman i. e. Ex.W-1 & Ex.W-2, he has stated that these certificate have not been issued by the Department, the persons concerned have issued them in their personal capacity. He has also stated that the services of the workman were not terminated, he himself left the service.

16. The management witness N. Raja has produced Muster Rolls for year 1991, 1992, 1994 & 1995 at the time of his evidence. The Muster Rolls for year 1993 was already on the record. He has stated that certificates produced by the workman have not been issued by the Institute and as per Muster Rolls for year 1994 to 1995, the facts mentioned in the certificates are not correct. He has further stated that as per circular of ICAR, no certificate can be given to any workman.

17. The question, thus arises for consideration is that whether the workman has continuously worked for 240 days in preceding twelve months from the date of his alleged termination and whether his services have been terminated in violation of provisions under Section 25-F, 25-G & 25-H of the I.D. Act, 1947.

18. The learned representative on behalf of the workman argued that the workman had worked from 1976 to May, 1995 and his statement finds corroboration from certificate given in his favour and other documents. Since the workman has continuously worked from 1976 to May, 1995, therefore, it cannot be said that he had not completed 240 days in a calendar year. The workman was a Daily Wager employee and documentary evidence read with statement of the workman on oath is sufficient to prove that he had worked from 1976 to May, 1995. He has further argued that workman has been deprived the temporary status although his juniors have been given temporary status thus, the workman be given temporary status with consequential benefits thereof.

19. Per contra, the learned representative on behalf of the Institute contended that burden was on the workman

to prove that he had continuously worked from 1976 to May, 1995 and his services were terminated w.e.f. 1-5-1995. The management of the Institute has produced the muster roll from January, 1990 to August, 1995 (9/26 to 9/46) and copies of muster roll for the period 1990 to 1992 (9/26 to 9/34). In the muster rolls for the period from September, 90 to October, 90 (9/35 to 9/46), the workman's name is not available therein meaning thereby, he was not in the employment during the said period. He has further contended that criteria for providing temporary status to the casual employee was formulated and according which all those who were on the roll as on 1-9-93 and who had completed 240 days in a calendar year were given temporary status and those who did not qualify for temporary status were left out. In this respect the institute has filed a list (paper no. 11/41 to 11/47). This list is in respect of 212 casual labours who had completed 240 days and they were given temporary status according to the scheme. A list was also prepared for remaining labours who have not completed 240 days (11/25 to 11/40) this list comprises 416 persons. This list and list cited above do not find the name of the workman. Om Prakash, thus it can not be said he was in the employment on 1-9-93. Referring to the so-called experience certificates he has further submitted that at the said certificate have not been issued by the competent authority. Recalling the attention to the alleged certificates, he has argued that such certificates do not contain for which purpose they were issued. It appears that the workman has manipulated the documents to achieve the goal in the present case. Further Indian Council of Agricultural Research, New Delhi issued clear order dated 25-2-94 (9/5) by which it has prohibited issuing the experience certificate to the casual labours/workers engaged in ICAR by Director/Project Director or other officer. He has, therefore, stated that the said so called experience certificates do not help the workman.

20. I have given my thoughtful consideration on the rival submissions made by both the sides.

21. It is well settled that a party challenges the action of the management or the illegality of the order the burden lies on him to prove illegality in the action of the management and if no evidence is produced the party invoking jurisdiction of the court must fail. In the present case, burden was on the workman to set out the grounds to challenge the validity of the alleged oral termination and to prove that the termination was illegal and he had worked from 1976 to April, 1995 continuously and he had worked for more than 240 days in the preceding 12 months from the date of alleged termination. This claim has been denied by the management of the Institute, therefore, it was for the workman to lead evidence to show that he had in fact worked during the said period. In this regard the workman has given the statement on oath but the same is his own statement in his favour that cannot be regarded sufficient evidence to come to the conclusion that he had worked during the period stated in his statement.

22. The workman has produced certificates Ex. W-1 and Ex. W-2 to substantiate his statement that he had worked from 1976 to April, 1995. The other documents, which have been filed, are pertaining to reconciliation proceedings before Asstt. Labour Commissioner (C), Kanpur (2/11 to 2/37) gate passed issued to other persons (3/12 to 3/13) etc. Thus, the same are not relevant for period of working days as claimed by the workman.

23. Although the management witness, Dr. S. N. Singh has stated that the certificate Ex. W-2 was issued by him and certificate Ex. W-1 also bears his signatures as regard verification but he has admitted in his cross-examination that the certificate was not issued on the basis of entry in the muster roll. Upon perusal of the certificates it is apparent that the certificate have not been issued by the institute and Dr. S. N. Singh has also not issued said certificates in acting or purporting to act in discharge of any official duty. The certificates do not bear any number of reference of the official file. Apart from this as per circular of ICAR, New Delhi dated 25-2-94, the copy of which has been filed by the opposite party, it has been made clear that no experience certificate was to be issued to the casual labours engaged in ICAR by the Director/Head of the Centre etc. therefore, Dr. S. N. Singh and Dr. R. P. Singh were not competent to issue such certificate. It is also pertinent to mention that for the purpose of implementation of scheme providing temporary status to the casual labours, the list of all those who were engaged as casual labour during the year 1993 was prepared. This list has been prepared in due course of office business therefore, it can not be disbelieved. This list does not find the name of the workman. Thus, on the basis of alleged certificates which admittedly were not given on basis of record, no conclusion can be drawn that workman had actually worked in the Institute for the period mentioned therein.

24. The workman has pleaded in his statement of claim that he was employed by the opposite party against a permanent post of Lab Assistant in the Division Seed Tech. (Pathology Lab.) w.e.f. 1-3-76 but he has neither stated in his statement on oath that he was appointed as Lab Assistant nor he has produced any document in this respect. It is evident from the muster rolls of the relevant period that the workman was not working in the institute upon the alleged date of his termination i.e. 1-5-95. From the list prepared in pursuance to circular dated 14-3-95 for grant of temporary status to the workers who have been working as on 1-9-93, it is also evident that name of the workman does not find place in the said list except the certificates for work experience Ex. W-1 & Ex. W-2 there is no other documentary evidence on the record to substantiate the statement of the workman that he was working as a casual labour on the relevant date i.e. 1-9-93 and he had worked continuously for 240 days in the Institute during 12 preceding months from the date of alleged termination i.e. 1-5-1995. He has also failed to

establish from the material on record that any junior to him has been allowed to continue or some one else has been appointed after his alleged termination.

25. In view of the above discussions, the workman has failed to prove that by any action of the management the provisions of Section 25 F, 25 G & 25 H have been violated and any action of the management was illegal or unjustified, therefore, the workman is not entitled for any relief.

26. Accordingly, the reference under adjudication is decided against the workman. He is not entitled for any relief.

27. Award as above.

LUCKNOW.

11-1-2010

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 25 जनवरी, 2010

का.आ. 523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, लखनऊ के पंचाट (संदर्भ संख्या 18/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-2010 को प्राप्त हुआ था।

[सं. एल-40012/88/2004-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 523.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.18/2006) of the Central Government Industrial Tribunal/ Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhartiya Sanchar Nigam Limited and their workmen, which was received by the Central Government on 25-1-2010.

[No. L-40012/88/2004-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

N. K. PUROHIT, Presiding Officer

I. D. No. 18/2006

Ref. No. L-40012/88/2004/IR (DU) dated: 4-8-2006

BETWEEN

Sri Ravindra Kumar Verma,
S/o Sh. Ram Verma Vill & PO Khijhirpur
Distt. Barabanki

AND

The Chief General Manager,
BSNL, Telecom, UP (East) Circle,
Lucknow

The Divisional Engineer
BSNL, Telecom (Maintenance)
Telephone Exchange, Kesar Baugh
Lucknow

AWARD

11-1-2010

1. By order No. L-40012/88/2004-IR (DU) dated: 4-8-2006 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Ravindra Kumar Verma S/o Sh. Ram Verma, Vill & PO Khijhirpur, Distt. Barabanki and the Chief General Manager, BSNL, Telecom, UP (East) Circle, Lucknow & the Divisional Engineer, BSNL, Telecom (Maintenance) Telephone Exchange, Kesar Baugh, Lucknow for adjudication.

2. The terms of reference under adjudication are as under:

“Whether the action of the management of Chief General Manager, BSNL, Telecom, U. P. Circle Lucknow/Divisional Engineer, BSNL, Telecom (Maintenance) Telephone Exchange, Kesarbaugh, Lucknow in terminating the services of their workman Shri Ravindra Kumar Verma w.e.f. 24-5-2001 is legal and justified? If not, to what relief the workman is entitled to and from which date?”

3. The case of the workman, in brief, is that he was engaged as casual labour on daily wage basis in July, 1991 and performed duties of Lorry Driver upto 24-5-2001 but his services have been terminated vide impugned order dated 24-5-2001. It has been alleged by the workman that the opposite party has not only retained workmen junior to him but also has granted them temporary status. The workman has referred names of certain such workmen who were though junior to him but were given temporary status viz. Chandra Bhushan Singh, Rakesh Kumar and Rudra Mani Pandey. Accordingly, the workman has prayed that the impugned order dated 24-5-2001 in contravention to the Industrial Disputes Act, 1947 be set aside and he be reinstated with all consequential benefits; and also his services be regularized from the date the juniors to him have been regularized.

4. The opposite party has disputed the claim of the workman by filing its written statement wherein it has submitted that the workman was engaged as casual Lorry Driver, as a stop gap arrangement, in July, 1991 and worked as such up to 24-5-2001 and when regular Lorry Driver joined his duties his casual engaged came to end for which he was paid salary of one month in lieu of notice, as such, it has not contravened any provisions of the Industrial Disputes Act, 1947. Further it has been submitted by the management that the grant of temporary status is irrelevant in the present case as the workman was engaged on casual basis against Group 'C' post of Lorry Driver whereas the claim for grant of temporary status is available to casual labourer equivalent to Group 'D' staff. The opposite party has also raised objection regarding maintainability of the present reference order on the ground that the workman is not a workman as he had worked as casual employee performing the work of Lorry Driver. Accordingly, the opposite party has prayed that the claim of the workman be rejected without any relief to him.

5. The workman has filed rejoinder wherein he has introduced nothing new, apart from reiterating facts already stated in the statement of claim.

6. The workman has filed documents in support of his claim whereas the opposite party did not file any. The workman has examined himself; whereas the opposite party examined Shri Rakesh Kumar Gupta, SDE (Legal) in support of their respective cases. The parties filed their written arguments apart from submitting oral submissions in support of their case.

7. Heard representatives of both the parties and scanned the entire evidence on record.

8. The workman Sh. Ravindra Kumar Verma has stated in his statement on oath that he had worked as casual labour from 13-2-1991 to 24-5-2001 & as per order dtd. 20-5-99 (Paper no.23), he was getting revised wages Rs. 134.20 per day and bonus as payable to Group 'D' workers. Although he was working as casual labour but the opposite parties was taking the work of Lorry Driver. He has alleged that Rudra Mani, R. K. Shukla, Om Prakash and Chandra Bhushan workmen who were also getting Rs. 134.20 per day and were junior to him, have been given temporary status. He has further stated that his representation dtd. 22-9-2005 submitted to the Chief General Manager, Telecom, BSNL has not been disposed of and he has been disengaged from service.

9. In rebuttal, the management witness Sri Rakesh Kumar Gupta, SDE has stated that the workman was engaged as casual Lorry Driver but he used to drive vehicles of the department. The workman submitted an application for granting him temporary status but the same was not given because there was no scheme of granting temporary status to temporary Lorry Driver. Only Group

'D' category casual labour are entitled to get temporary status. Since, the regular driver had joined the duty, the workman was disengaged after giving one month salary in lieu of notice. The department has not given temporary status to any casual Lorry Driver. In cross-examination he has stated that in B-1 class cities casual labours were getting Rs. 126.45 per day as wages and the same amount was also payable to the casual Lorry Driver.

10. The learned representative on behalf of the workman has contended that the workman was engaged as daily wager though work of driver was taken. The opposite party has treated the workman in Group 'C' category of the employee without paying wages payable to the casual driver i.e. Rs. 176.15 per day. Since the workman had worked for 9 years continuously therefore, he was entitled for the grant of temporary status. The opposite party has granted temporary status to the junior casual labours ignoring the claim of the workman. He has also contended that issue raised in representation dtd. 22-9-2000 submitted to the Chief General Manager, Telecom, BSNL to treat the workman as casual labour was not involved in the O.A. decided by the Administrative Tribunal, Lucknow. Further, the workman was getting wages and bonus available to the casual labour of Group 'D'. He has further contended that post of group 'C' & 'D' employees are available but the opposite party has adopted a pick and choose policy and retained the juniors to the workman in the services and terminated the services of the workman illegally. Thus, the termination order is unjustified and illegal. In support of his contention he has also placed reliance on the following case laws;

1. (2000) 1 UPLBEC 622 State of U. P. Vs. Dr. R. P. Goel and others.

2. (2001) 1 UPLBEC 834 Gujarat Agricultural University vs. Rathod Labhu Bechar and others.

3. (2000) 2 UPLBEC 1719 Shatrughan Nishad & Others vs. District Magistrate, Administrator Chairman, Kisan Sahkari Chini Mills, Sultanpur and others.

11. Per contra, the learned representative on behalf of the management has urged that the workman was engaged as casual Lorry Driver in purely stop gap arrangement till the availability of the regular Lorry Driver. His services were disengaged when the regular Lorry Driver joined his duty on 24-5-2001 after paying one month salary in lieu of notice. He has further urged that the earlier the workman had approached to Administrative Tribunal, Lucknow for regularization on the post of Lorry Driver on the ground that he had been working as Lorry Driver and also claimed the benefit of the scheme of granting of temporary status but his claim was rejected on the ground that scheme of grant of temporary status was not applicable to Lorry Drivers which is a group 'C' post. The

workman filed writ petition against the said order but the same was withdrawn. The workman has failed to prove that he was basically performing the work of casual labour and whenever there was any need he used to drive the vehicle also. He has further urged that the workman himself has admitted in his representation dtd. 22-8-2000 that he was working as casual Lorry driver, thus, he is not entitled for any relief.

12. I have given my thoughtful consideration on the rivals submissions made by both the sides and the perused the relevant material on record.

13. It is not disputed that the workman had worked under the opposite party from July 1991 to 24-5-2001. The contention of the workman is that he was engaged as casual labour in group 'D' cadre though opposite party had taken work of driver cadre whereas the contention of the opposite party is that workman was engaged as casual Lorry Driver and had worked as casual Lorry Driver in group 'C' cadre.

14. It is well settled that if a party challenges the illegality of the order, the burden lies upon him to prove illegality of the order. In the present case the burden was on the workman to set out the grounds to challenge the validity of the termination order and to prove the illegality in the termination. It was the case of the workman that he was engage as casual worker and he had worked as such for 9 years, therefore, the action of the management in not granting temporary status and disengaging him from the services is in violation of Section 25 F of the I. D. Act. His claim has been denied by the management therefore, it was for the workman to prove that as casual worker he was entitled for grant of temporary status.

15. Admittedly, O.A. no. 531/2000 was filed by the workman in the Administrative Tribunal, Lucknow for regularizing him as Lorry Driver. Vide order dtd. 12-1-2001 (paper no. 26), the said O.A. alongwith other OA 544/2000 disposed of by a common order at admission stage with a direction to make individual representations to the department in this regard.

16. In pursuance of the above order of the Administrative Tribunal, Lucknow dtd. 12-1-2001, the opposite party after considering the representation of the workman dtd. 22-1-2001 SDE, Telephone, Kesar Baugh, Lucknow intimated him vide its letter dtd. 21-3-2001 that the post of Lorry driver comes under Group 'C' cadre as such regularization can not be done in the cadre of Lorry Driver.

17. Subsequently, aggrieved with the said order dtd. 21-3-2001 the workman filed O.A. No. 218/2001 and O.A. No. 325/2001 for regularization of his services on the post of Lorry Driver and challenged the order of management dtd. 21-3-2001 by which his representation for regularization was rejected, and for quashing the order dtd. 24-5-2001 by which he was disengaged. While deciding

the said OAs (paper no. 29-33) filed by the workman as well as OAs filed by two other applicants vide order dtd 21-12-2001, the Tribunal has observed in para 2 of the order as under the Administrative Tribunal, Lucknow observed as under;

" All the three applicants were initially engaged as Casual Lorry Drivers and they have been working as such for various period. However, all the three were disengaged after a regular Lorry Driver was appointed on the post."

18. It has further observed in para 8 & 9 of the order of Tribunal is as under;

" It is also admitted that the three applicants were engaged only as casual Lorry Drivers. It is not disputed, rather admitted that 50% posts of Lorry Drivers are to be filled up from the departmental candidates on promotion basis. For the remaining 50% posts of Lorry Drivers, Casual Motor Drivers with non temporary status may be considered for recruitment against direct recruitment quota subject to condition they fulfil the conditions like age qualification etc. prescribed in recruitment rules of Drivers."

" Thus, the question of regularization on the post of Lorry Driver, which is a group 'C' post does not arise. The applicant's claim for regularization is therefore, without merit."

19. It has also been observed in para 11 of the order that "applicant can have no claim to continue on such post as a casual Lorry Driver has no right on a post to which a regular Lorry Driver has been transfer. "It was submitted before the Tribunal that the workman had already sent a representation dt. 22-9-2000 to Chief General Manager, Telecom for treating him as casual labour but the Tribunal did not give any findings in this regard and further observed "it is for the respondent to take the decision thereon. Such issue is not involved in the present O.A. No such direction can be given and dismissed OAs filed by the workman and applicants".

20. Aggrieved by the order of the Tribunal, Lucknow the workman has also approached to Hon'ble Allahabad High Court, Lucknow bench, Lucknow by way of writ but later on same was withdrawn by him.

21. Thus, it is evident from the orders of the Tribunal passed in OAs filed by the workman that the workman had claimed the relief of granting temporary status and regularization on the ground that he had worked as casual Lorry Driver for 9 years. When he could not succeed to get the said relief he has changed his version and now he is claiming temporary status on the ground that he was working as casual labour as such he is entitled to get temporary status from the date his juniors have been granted temporary status.

22. In the joint representation dt. 22-9-2000 submitted by the workman and other two workmen viz. Phool Kunwar and Om Prakash, they have prayed as under:

“निवेदन है कि हम सब प्रार्थीगण जी.एम.एम.मेन्टीनेन्स, लखनऊ के अधीनस्थ के कार्यालयों में कैजुअल लारी डाइवर के पद पर लगभग 9-10 सालों से लगातार विभाग की सेवा कर रहे हैं। हम लोगों के प्रति विभाग कोई रेगुलर करने की कोई स्कीम नहीं बना रखी है। जबकि इसी विभाग में जो सन् 1997 में कैजुअल लेबर लगाए गए थे उनको अस्थाई दर्जा प्रदान कर दिया गया है। हम सब प्रार्थीगण आपसे करबद्ध प्रार्थना कर रहे हैं कि हम सब कैजुअल लारी डाइवरों को कैजुअल लेबर बनाकर अस्थाई दर्जा प्रदान करने की कृपा की जावे।”

23. Thus, it is admitted facts in his representation that the workman was initially engaged as casual Lorry Driver and he had worked as such since casual Lorry Driver comes under 'C' cadre he was not entitled for grant of temporary status as claimed by him. The statement of the workman that he was engaged as casual labour does not find support from his own representation. Further, order of the Administrative Tribunal, Lucknow passed on 21-12-2001 has attained finality wherein it was his consistent case that he was engaged as casual Lorry Driver.

24. The workman has submitted copy of the order dt. 20-5-99 (paper No. 23) pertaining to revise daily wager rates w.e.f. 1-1-1999 wherein the revised wages of the casual driver administrative office has been shown as Rs. 176.15 per day and casual driver in operative office Rs. 134.20 per day. The workman has admitted in his statement that he was getting Rs. 134.20 per day as wages which is equivalent to the wages of the driver in operative office as per said order dt. 20-5-1994, further he has admitted this fact in his cross examination that he was disengaged after regular driver joined his duty and he was paid one month wages in lieu of notice. The management witness has also stated in his cross examination that casual Lorry Driver and casual worker were getting the same wages.

25. In support of his contention that a pick & choose policy has been adopted & temporary status has been granted to several casual labourers who were working as Lorry Driver, the workman has submitted a copy of order dt. 3-7-2000 (paper No. 3/18) by which temporary status has been granted to workmen Sh. R. K. Shukla, Om Prakash & Sh. Chandra Bhushan. But upon perusal of the said order it is evident that they have been shown as casual labourers and temporary status has been granted to them as such whereas as pointed out earlier it was admitted case of the workman in the application before Administrative Tribunal, Lucknow and in his representation dt. 22-9-2000 that he was initially appointed as casual Lorry Driver. He has not adduced any documentary evidence, which shows that any casual Lorry Driver has been granted temporary

status. Thus, the contention of the workman is not tenable.

26. The learned representative on behalf of the workman has cited case laws in support of his contention that the workman had worked as casual labour for 9 years, therefore, termination of his services after such a long period is unjustified. But the facts of the case laws cited are distinguishable from the present case. In 2000 UPLBEC 622 (Alld. H. C.) the concerned employees was appointed on 1-8-1950 in the services of the Central Government as Medical Officer on temporary basis. The above post was later on abolished and his services disposed with, but the State Government took over the services of the petitioner in the year 1956 and thereafter he continued in service till 1975. In such circumstances Hon'ble High Court observed that after continuous services of 19 years the employee can not be terminated treating as temporary employee. In 2000 (2) UPLBEC 1719 the case of the petitioner therein was that all of them are employee of Kisan Sahkari Chinni Mill Ltd. and they have been working as class III & IV of many years and some of them are working against permanent post for a long period inspite of their long tenure they have not yet been confirmed on the post which are available. In 2001 (1) UPLBEC 834 the matter was pertaining to regularization of the workmen Hon'ble High Court observed that absorption of the workman can not be refused on the ground of financial problems. But in present case the Administrative Tribunal, Lucknow has already decided that workman was initially appointed as casual Lorry Driver in group 'C' cadre therefore, he is not entitled to get the benefit of scheme for grant of temporary status and he is also not entitled for regularization. The order of the Administrative Tribunal in the said O.A. No. 334/2001 has attained finality. Further the workman has admitted in his representation dt. 22-9-2000 since scheme of granting temporary status is not available to the casual Lorry Driver, he may be treated as casual worker. Therefore, the principles laid down in the said case laws are not applicable in the present matter.

27. Thus, in view of the above discussions, the workman has failed to establish that he was engaged as casual labour and he had worked as such under group 'D' cadre for 9 years and was entitled to get temporary status.

28. Therefore, action of the opposite party in not granting temporary status & terminating the services of the workman w.e.f. 24-5-2001 is not unjustified and illegal. Resultantly, the workman is not entitled to get any relief.

29. The reference under adjudication is answered accordingly.

30. Award as above.

LUCKNOW.

11-1-2010

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 25 जनवरी, 2010

का.आ. 524.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलाम के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-2010 को प्राप्त हुआ था।

[सं. एल-40012/161/2002-आईआर (डी.यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 524.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharatiya Sanchar Nigam Limited and their workman, which was received by the Central Government on 25-01-2010.

[No. L-40012/161/2002-IR (D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated this the 15th day of January, 2010)

PRESENT

Sri. E. K. Bhasu, Industrial Tribunal

IN

Industrial Dispute No. 04/2008

BETWEEN

The Chief General Manager, : Management
BSNL, Kerala Telecom Circle,
Thiruvananthapuram

And

1. The Circle Secretary, Bharatiya Telecom : Union
Administrative Offices Employees Union,
Class III & IV, Kerala Circle,
Office of the Chief General Manager,
Thiruvananthapuram
2. The Circle Secretary, Bharatiya Telephone : „
Employees Union, Class III, Kerala Circle,
O/o the Chief General Manager,
Telecom, Kerala Circle,
Thiruvananthapuram,
3. The Circle Secretary, Bharatiya Telephone : „
Employees LS & CL. IV,
O/o the Chief General Manager, Kerala Circle,
Thiruvananthapuram,

REPRESENTATIONS

1. R. Kunjukrishnan Potti, : For the Management
Advocate,
Thiruvananthapuram,
2. R. Lekshmana Iyer, : For the Union
Advocate,
Thiruvananthapuram.

AWARD

The Government of India, by Order No. L-40012/161/2002-IR (DU) dated 29-8-2001, have referred the Industrial dispute for adjudication to this tribunal.—

2. The issue for adjudication is following :

“Whether the action of management of Bharat Sanchar Nigam Ltd., Kerala Circle in not implementing the re-structured scheme in respect of Sr. Telecom Operating Assistants in Kerala Circle with retrospective effect though it was implemented in all other Circles is justified ? If not, to what relief the workers involved are entitled to ?”

3. The averments of the union in the claim statement are briefly as follows :—

The Department of Telecommunication was converted into a Government Company with effect from 01-10-2000 with the name “Bharat Sanchar Nigam Ltd” (hereinafter for short BSNL) and has become the successor Management. Even before the formation of BSNL, modern technology was introduced at a very fast rate to enable the employees to become attuned with the changing situation. The restructuring of cadres was also initiated in Telecom Department from the year 1990 onwards. Kerala Circle is one of the 24 circles of the Telecom Department and all the orders of the Department are also binding on Kerala Circle. Kerala Circle is the first Telecom Circle in India with all its exchanges fully automated. And also the Kerala Circle became the Circle in India to induct new technology in all its establishments. The employees accepted and began working in the new technology area and restructuring started in the year, 1990. When the Government unilaterally introduced the restructuring Scheme vide letter No. 27-4/87-TEII(3) dated 16-10-1990, the posts in the restructured cadres were formed automatically by conversion of pre-structured cadres. The conversion was done in the ratio 2:1 by converting or surrendering 2 existing posts of Telecom Operating Assisting for one post of Senior Telecom Operating Assistants. The Department vide its letter No. 27-4/8770- TE II (3) dated 16-10-1993 introduced the above scheme and restructured pay scales was also given to compensate for their skills utilized in the upgraded post.

4. As per Department of Telecom orders 15-22/92-TE II dated 14-10-1993 and No. 27-2/94 TE II (IV) dated 31-8-1994, all officials who were to be granted officiating

promotion must be actually working in the new technology area. But in Kerala all employees were working in the new technology since, 1990, as the Kerala Circle achieved full automation in 1990.

5. The Senior Telecom Operating Assistants Scheme which was introduced from 16-10-1990 on all India basis was introduced in Kerala Telecom Circle from 09-09-1992 only. Though the employees who were working in Civil and Electrical wing of Kerala Circle, were given promotion as Senior Telecom Operating Assistants from 09-09-1992 as per the direction of CGMT, Kerala Circle, similarly placed Administrative, Traffic and Engineering employees were not given the above promotion but it was given to them at first only on 13-12-1996. The above order of Chief General Manager, Kerala Circle is in violation of letters of Department of Telecom, New Delhi dated 14-08-1993 and 31-08-1994, wherein it is stated that all the officers who were performing the duties as restructured cadres were to be granted officiating/adhoc promotion if they were actually working in new technological area as specified in DOT, ND Letter No. 27-10/93 TE II dated 02-08-1994.

6. Though the Administrative, Traffic and Engineering employees in Kerala Circle were given officiating promotion as Senior Telecom Operating Assistants, with effect from 01-01-1994 actual benefits were given only from 01-10-2000 vide CGMT Letter No. STA/40-5/RLGS/IV/2000 (Part III) dated 31-12-2001.

7. While the scheme was introduced as per the guidelines of Department of Telecom, New Delhi, no reason is assigned why it was not implemented in the case of Administrative, Traffic and Engineering employees in Kerala Circle. The action of the CGMT in denying the benefits to the Senior Telecom Operating Assistants is unilateral, arbitrary without any base and is against the directions of the Department of Telecom, New Delhi. The Senior Telecom Operating Assistants have been discriminated not only against the counterparts elsewhere but also against Civil, Electrical employees of Kerala Circle to whom the above benefits were given with effect from 09-09-1992.

8. The action of BSNL is not justified in not implementing the restructured scheme in respect of Telecom Operating Assistants in Kerala Circle with retrospective effect. They are entitled to get the benefits of restructured scheme as it was made applicable in Electrical/Civil wing of Kerala Circle with effect from 09-09-1992 and all other circles. Hence prayed for an award that the Telecom Operating Assistants in Kerala Circle are entitled to get all the benefits of the restructured scheme with retrospective effect from 09-09-1992 and with all other consequential benefits.

9. The management very vehemently opposed the claim of the union as follows:—When the BSNL, Kerala

Circle initiated its action to process the officiating promotion in 1994, some of the officials challenged the action before the Central Administrative Tribunal, Ernakulam Bench in OA No. 1109 of 1994 on the ground that the department could not enforce draft recruitment rules of Senior TOA before it has been gazetted. The above Tribunal ordered that until a Rule breaths into life, it has no force. So the drawing up of eligibility list and deputing of officials for training based on the eligibility list and empanelment of officials have come within the purview of preparatory measures taken to implement the Draft Recruitment Rules and such measures were prevented by the order of the administrative Tribunal. Hence the Kerala Circle of the management was not in a position to give officiating promotion to fill the posts due to the reason that the creation of Senior TOA by surrendering two posts of TOAs was come to a standstill on the basis of the order of the Administrative Tribunal. So the Kerala Circle has to wait for the creation of posts till after the Recruitment rules of Senior TOA were notified on 17-06-1996.

10. In the meanwhile another OA No. 1388/95 was filed by some applicants for a declaration that the applicants were eligible for consideration to be promoted as Senior TOA on officiating basis. The Central Administrative Tribunal vide its judgment held that since the action in the forms of the draft Recruitment Rules was prohibited by the Tribunal in O.A. No. 1109 of 1994, the action of the Kerala Circle in not acting as per the DOT order dated 31-08-1994 till the amended Recruitment Rules were gazetted on 17-06-1996, cannot be faulted. So the order dated 31-08-1994 of DOT could be implemented in the Circle with effect from 13-12-1996.

11. One Smt. Lathika G. Nair and 35 others filed an OA No. 396 of 2001 before CAT seeking that the posts in the restructured cadres may be filled up by posting the empanelled officials in the select panel on officiating basis pending formal appointment after their selection and training. While the above O.A. was pending the staff union demanded to implement the scheme with effect from 01-01-1994. Pursuant to the demand, a meeting was convened, in which it was decided to grant notional officiating promotion as Senior T.O.A from 01-01-1994 and the actual benefits to be given from 01-10-2000 and as such BSNL Corporate Office issued order vide No. 250-3/2001-Pers-III, dated 03-12-2001.

12. The OA No. 396 of 2001 was disposed of by the CAT holding that the Tribunal will not be justifying in interfering in the matter of implementing the order of Government and further directed to the respondent to dispose of the representation of applicant dated 22-02-2000 with respect to the extent of rules and regulations and to take a decision within four months. The BSNL disposed of the petition and intimated it vide their letter No. 252-30/2000-STN/Pers-III dated 03-01-2003 the above

stand which was taken in the agreement between the Management and the union that the notional fixation can be given from 01-01-1994 and actual benefit from 01-10-2000.

13. For the above reasons, there is no fault on the part of the management in not implementing the restructured scheme in respect of TOAs in Kerala Circle with retrospective effect. Hence prayed for an award rejecting the claim of the union upholding the contentions of the management.

14. Evidence in this dispute consists of the oral evidence of union as WW1 and Exts. W1 to W7 and M1 to M3.

15. From the rival intentions of parties involved in this dispute the issues that arise for my consideration are :

(1) Whether there is any justification in not implementing the resturctured scheme in respect of Telecom Operating Assistants in Kerala Circle with retrospective effect while it was implemented in all other circles in 1990.

(2) Whether there is any discrimination or partiality effected in not implementing the restructured scheme in the case of TOAs in Administration, Traffic and Engineering employees in Kerala Circle with effect from 09-09-1992 when it was effected in retrospective effect with effect from 09-09-1992 in respect of employees of Civil and Electrical wing of Kerala Circle.

(3) Whether the workers (TOAs) represented by the union are entitled to get the benefits of restructured scheme with effect from 09-09-1992, which was made applicable to employees in electrical/Civil wing of Kerala Circle and other Circles of the management.

The Point :

It is the common case that BSNL has 24 circles and the Kerala Circle is one among them. The Kerala Circle was the first circle in India with all its exchanges fully automated which is evidenced by Ext. W1 letter No. M(s)/TC 90-114 R dated 09-04-1990. The employees of the Kerala Circle have been working in the new technology area from the year 1990 onwards without interruption. The process of restructuring of cadres started in the year 1990 on the basis of automation as per Ext. W2 order No. 27-4/87-TE-II (3) dated 16-10-1990 as Ext. W2. The restructured cadres were created by converting pre-structured cadres by surrendering two existing TOAs for one post of Senior TOA i.e. by adopting a ratio of 2:1 and it was introduced with effect from 16-10-1990 in the department.

16. By Exts. W3, W4 and W6 the management made it clear that the employees who have been working in the new technology area were to be granted adhoc promotions

in the restructured cadres and the employees who were to be granted officiating adhoc placements in the restructured cadres should have worked in the new technology area. In Kerala Circle all the employees have been working in the new technology area from 1990 onwards, as the Kerala Circle had achieved full automation in all its establishment which aspect is evidenced from Ext. W1.

17. The learned counsel of the union placed an argument that in the Kerala Circle the promotions were effected to those employees who were working in Civil and Electrical Wings with effect from 09-09-1992 while it was introduced in the Department with effect from 16-10-1990. The above aspect was proved by Exts. W6 & W7. But the other employees working in other wings of the Kerala Circle were given officiating promotions to the post of Senior Telecom Operating Assistants notionally with effect from 01-01-1994 and the actual financial benefits have been allowed only from 01-10-2000. In the above circumstance, it is further argued that the employees represented by the union are legally entitled to get promotion to the post of Senior Telecom Operating Assistants with effect from 09-09-1992 with full financial benefits as in the case of those employees who are working in the Civil and Electrical wings who have been granted such promotion with retrospective effect from 09-09-1992 as per Ext. W6 & W7 orders.

18. The learned counsel of the management countered the argument of the union by producing Ext. M1 & M2 which were the judgments of the Hon'ble Central Administrative Tribunal Ernakulam. When the BSNL, Kerala Circle initiated action to process the officiating promotion some of the employees challenged the action on the ground that the department could not enforce draft Recruitment Rules of Senior TOA before it has been gazetted. The Tribunal by Ext. M1 ordered that until a Rule breaths into life, it has no force. Hence the drawing up eligibility list, deputing officials for training based on eligibility list and empanelment of officials come within the purview of preparatory measures taken to implement the Draft Recruitment Rules and all such measures were prevented by Ext. M1 judgment of the Hon'ble Central Administrative Tribunal. So the Kerala Circle could not effect officiating promotion to fill up the posts. Hence the creation of posts in the present case has to wait till after the Recruitment Rules of Senior TOA were notified on 17-06-1996.

19. Even while Ext. M1 & M2 judgments were in existence the management had implemented adhoc promotions to employees belonging to the Civil and Electrical Wings of Kerala Circle to the restructured posts of Senior Telecom Operating Assistant with effect from 09-09-1992 which aspect is evidenced and proved by Exts. W6 & W7 promotion orders. The management is keeping silent on this aspect and not assigned any valid reasons why the above promotions were granted to the employees of Civil and Electrical Wings of Kerala Circle

with effect from 09-09-1992, when it was denied to the workman represented by the union. The management is keeping mum on the above aspect of discrimination between different wings of the Kerala Circle in granting adhoc promotions. The reasons which weighed with the management to grant adhoc promotions to the post of Senior Telecom Operating Assistant to the employees belonging to Civil and Electrical Wings of the Kerala Circle w.e.f. 09-09-1992 are equally applicable to administrative Traffic and Engineering Wings of the Circle. Here the dispute in hand the employees were given officiating promotions to the post of Senior TOA notionally w.e.f. 01-01-1994 and the actual financial benefits have been allowed only from 01-10-2000. The above acts of the management is purely discriminatory, illegal and unjustifiable. The management totally failed to substantiate their case and to controvert the evidence of the union. Therefore the workmen represented by the union are legally entitled to get promotion to the post of Senior TOA with effect from 09-09-1992 with full financial benefits with effect from that date as in the case of those who are working in Civil and Electrical Wings who have been granted such promotion as per Exts. W6 & W7 orders.

20. In the result, I hold that the workmen represented by the union in this dispute are entitled to get promotion to the post of Senior Telecom Operating Assistants with effect from 09-09-1992 with full financial benefits with effect from that date as in the case of those employees who are working in the Civil and Electrical Wings who have been granted such promotion as per Exts. W6 and W7 orders.

An award is passed accordingly.

(Pronounced in the open court this the 29th day of January, 2010)

E. K. BHASU, Industrial Tribunal

ANNEXURE

Witness examined on the side of the Union :

WWII- Sri. Devidas.

Witness examined on the side of the management :

Nil

Documents Marked on the side of the union :

Ext. W1 - Order dated 09-04-1990

Ext. W2 - Order dated 16-10-1990

W3 - Order dated 14-10-1993

W4 - Order dated 31-08-1994

W5(1) - Order dated 02-08-1994

W5(2) - Order dated 09-09-1994

W6 - Order dated 14-07-1998

W7 - Order dated2-1998.

Documents Marked on the side of the management :

Ext. M1 - Order in O. A. No. 1109/94

Ext. M1 - Order in O. A. No. 396/2001.

नई दिल्ली, 25 जनवरी, 2010

का.आ. 525.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 19/2006 को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-1-2010 को प्राप्त हुआ था।

[सं. एल-40012/87/2004-आईआर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th January, 2010

S.O. 525.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhartiya Sanchar Nigam Limited and their workmen, which was received by the Central Government on 25-01-2010.

[No. L-40012/87/2004-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

N. K. Purohit, Presiding Officer

I. D. No. 19/2006

Ref. No. L-40012/87/2004-IR (DU) dated : 04-08-2006

BETWEEN

Shri Om Prakash S/o Sh. Deep Narayan Avasthi
R/o Village & PO Bichhlakha, Ram Nagar
Baraabanki

And

The Chief General Manager,
BSNL, Telecom, UP (East) Circle
Lucknow

The Divisional Engineer
 BSNL, Telecom, (Maintenance)
 Telephone Exchange, Kesar Baugh
 Lucknow

AWARD

12-01-2010

1. By order No. L-40012/87/2004-IR (DU)dated : 04-08-2006 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sh. Om Prakash S/o Sh. Deep Narayan Avasthi, R/o Vill & PO Bichhlakha, Ram Nagar, Distt. Barabanki and the Chief General Manager, BSNL, Telecom, U.P.(East) Circle, Lucknow & the Divisional Engineer, BSNL, Telecom (Maintenance) Telephone Exchange, Kesar Baugh, Lucknow for adjudication.

2. The reference under adjudication is as under ;

“Whether the action of the Management of Chief General Manager, BSNL, Telecom, U.P. Circle, Lucknow/Divisional Engineer, BSNL, Telecom (Maintenance), Telephone Exchange, Kesar Bagh, Lucknow in Terminating the Services of their workman Shri Om Prakash w.e.f. 24-05-2001 is legal and justified ? If not, to what relief the workman is entitled to and from which date?”

3. The case of the workman, in brief, is that he was engaged as casual labour on daily wage basis in July, 1991 and he performed duties of Lorry Driver upto 24-05-2001 when his services were terminated vide impugned order dated 24-05-2001. It has been alleged by the workman that the opposite party has not only retained workmen junior to him but also has granted them temporary status. The workman has referred names of certain such workmen who were though junior to him but were given temporary status viz. Chandra Bhushan Singh, Rakesh Kumar and Rudra Mani Pandey. Accordingly, the workman has prayed that the impugned order dated 24-05-2001 in contravention to the Industrial Disputes Act, 1947 be set aside and he be reinstated with all consequential benefits ; and also his services be regularized from the date the juniors to him have been regularized.

4. The opposite party has disputed the claim of the workman by filing its written statement where in it has submitted that the workman was engaged as casual Lorry Driver, as a stop gap arrangement, in July, 1991 and worked as such up to 24-05-2001 and when regular Lorry Driver joined his duties his casual engaged came to end for which he was paid salary of one month in lieu of notice, as such, it has not contravened any provisions of the Industrial Disputes Act, 1947. Further, it has been submitted by the management that the grant of temporary status is irrelevant

in the present case as the workman was engaged on casual basis against Group 'C' post of Lorry Driver whereas the claim for grant of temporary status is available to casual labourer equivalent to Group 'D' staff. The opposite party has also raised objection regarding maintainability of the present reference order on the ground that the workman is not a workman as he had worked as casual employee performing the work of Lorry Driver. Accordingly, the opposite party has prayed that the claim of the workman be rejected without any relief to him.

5. The workman has filed rejoinder wherein it has introduced nothing new, apart from reiterating facts already stated in the statement of claim.

6. The workman has filed documents in support of his claim whereas the opposite party did not file any. The workman has examined himself ; whereas the opposite party examined Shri Rakesh Kumar Gupta, SDE (Legal) in support of their respective cases. The parties filed their written arguments apart from submitting oral submissions in support of their case.

7. Heard representatives of both the parties and scanned the entire evidence on record.

8. The workman Sh. Om Prakash has stated in his statement on oath that he had worked as casual labour from July 1991 to 24-5-2001. He was getting revised wages Rs. 134.20 per day as per order dt. 20-5-99 (paper no. 3/15) and he was getting bonus as payable to Group 'D' workers. He has further stated that though he was working as casual labour but the opposite parties was taking the work of Lorry Driver. He has also alleged that Rudra Mani, R.K Shukla, Indra Mani Padey and Chandra Bhushan etc. were also used to drive the vehicles of opposite party. Although they were junior to him but they have been given temporary status. In cross examination he has denied that he was engaged as Lorry Driver. He has also stated that no notice was given but his services were disengaged because regular driver had joined & one month salary was paid at the time of disengagement. He has stated in examination in chief that he was getting Rs. 134.20 as wages & he was paid bonus on the salary of casual labour i.e. Rs. 750 but in cross examination he has stated that he was getting Rs. 750 per month as salary.

9. In rebuttal, of the workman evidence management witness Sri Rakesh Kumar Gupta, SDE has stated that workman was engaged as casual Lorry Driver but use to drive vehicle of the department. The workman submitted an application for granting him temporary status but the same was declined because there was no scheme of granting temporary status to temporary Lorry Driver. He has further stated that only Group 'D'category casual labour are entitled to get temporary status since the regular driver had joined the duty therefore, the services of the workman was disengaged after giving notice and one month salary.

The department has not given temporary status to any casual Lorry Driver. In cross examination he has stated that in B-1 class cities casual labour was getting Rs. 126.45 per day as wages and the same amount was also payable to the casual Lorry Driver & from 1999 to 2000 daily wages in Group 'C' cadre was getting Rs. 134.20 per day as daily wages.

10. The learned representative on behalf of the workman has contended that the workman was engaged as daily wager though work of Driver was taken. The opposite party has treated the workman in Group 'C' category of the employee without paying wages payable to the casual Driver i.e. Rs. 176.15 per day. Since the workman had worked for 9 years continuously therefore, he was entitled for the grant of temporary status. The opposite party has granted temporary status to the junior casual labours ignoring the claim of the workman. He has also contended that issue raised in representation dt. 22-9-2000 submitted to the Chief General Manager, Telecom, BSNL to treat the workman as casual labour was not involved in the O.A. decided by the Administrative Tribunal, Lucknow. Further, the workman was getting wages and bonus available to the casual labour of Group 'D'. He has further contended that post of Group 'C' & 'D' employees are available but the opposite party has adopted a pick and choose policy & retained the juniors to the workman in the services and terminated the services of the workman illegally. Thus, the termination order is unjustified and illegal. In support of his contention he has also placed reliance on the following case laws ;

1. (2000) 1 UPLBEC 622 State of U.P. Vs Dr. R. P. Goel and others.
2. (2001) 1 UPLBEC 834 Gujarat Agricultural University vs Rathod Labhu Bechar and others.
3. (2000) 2 UPLBEC 1719 Shatrughan Nishad & Other vs District Magistrate, Administrator Chairman, Kisan Sahkari Chini Mills, Sultanpur and Others.

11. Per contra, the learned representative on behalf of the management has urged that the workman was engaged as casual Lorry Driver in purely stop gap arrangement till the availability of the regular Lorry Driver. His services were disengaged when the regular Lorry Driver joined his duty on 24-5-2001 after paying one month salary in lieu of notice. He has further urged that the earlier the workman had approached to Administrative Tribunal, Lucknow for regularization on the post of Lorry Driver on the ground that he had been working as Lorry Driver and also claimed the benefit of the scheme of granting of temporary status but his claim was rejected on the ground that scheme of grant of temporary status was not applicable to Lorry Drivers which is a Group 'C' post. The workman filed writ petition against the said order but the same was

withdrawn. The workman has failed to prove that he was basically performing the work of casual labour and whenever there was any need he used to drive the vehicle also. He has further urged that the workman himself has admitted in his representation dt. 22-8-2000 that he was working as casual Lorry Driver, thus, he is not entitled for any relief.

12. I have given my thoughtful consideration on the rivals submissions made by both the sides and the perused the relevant material on record.

13. It is not disputed that the workman had worked under the opposite party from July 1991 to 24-5-2001. The contention of the workman is that he was engaged as casual labour in Group 'D' cadre though opposite party had taken work of driver cadre where as the contention of the opposite party is that workman was engaged as casual Lorry Driver & had worked as casual Lorry Driver in Group 'C' cadre.

14. It is well settled that if a party challenges the illegality of the order, the burden lies upon him to prove illegality of the order. In the present case the burden was on the workman to set out the grounds to challenge the validity of the termination order and to prove the illegality in the termination. It was the case of the workman that he was engage as casual worker and he had worked as such for 9 years, therefore, the action of the management in not granting temporary status and disengaging him from the services is in violation of Section 25 F of the I.D. Act. His claim has been denied by the management therefore, it was for the workman to prove that as casual worker he was entitled for grant of temporary status.

15. Admittedly, O.A. no. 531/2000 was filed by the workman in the Administrative Tribunal, Lucknow for regularizing him as Lorry Driver. Vide order dt. 12-1-2001 (paper no. 3/18) the said O.A. alongwith other OA 544/2000 disposed of by a common order at admission stage with a direction to make individual representations to the department in this regard.

16. In pursuance of the above order of the Administrative Tribunal, Lucknow dt. 12-1-2001, the opposite party after considering the representation of the workman dt. 22-1-2001 SDE, Telephone, Kesar Baugh, Lucknow intimated him vide its letter dt. 21-3-2001 that the post of Lorry Driver comes under Group 'C' cadre as such regularization can not be done in the cadre of Lorry Driver.

17. Subsequently, aggrieved with the said order dt. 21-3-2001, the workman filed O.A. No. 215/2001 and O.A. No. 334/2001 for regularization of his services on the post of Lorry Driver and challenged the order of management dt. 21-3-2001 by which his representation for regularization was rejected, and for quashing the order dt. 24-5-2001 which disengaged him. While deciding the said OAs (paper no. 3/21-3/25) filed by the workman as well as OAs filed by two other applicants vide order

dt. 21-12-2001, the Tribunal has observed in para 2 of the order as under the Administrative Tribunal, Lucknow observed as under;

" All the three applicants were initially engaged as Casual Lorry drivers and they have been working as such for various period. However, all the three were disengaged after a regular Lorry Driver was appointed on the post."

18. It has further observed in para 8 & 9 of the order of Tribunal as under;

".....

It is also admitted that the three applicants were engaged only as casual Lorry Drivers. It is not disputed, rather admitted that 50% posts of Lorry Drivers are to be filled up from the departmental candidates on promotion basis. For the remaining 50% posts of Lorry Drivers, Casual Motor Drivers with non temporary status may be considered for recruitment against direct recruitment quota subject to condition they fulfil the conditions like age qualification etc. prescribed in recruitment rules of Drivers."

".....

Thus, the question of regularization on the post of Lorry Driver, which is a group 'C' post does not arise. The applicant's claim for regularization is therefore, without merit."

19. It has also been observed in para 11 of the order that "applicant can have no claim to continue on such post as a casual Lorry Driver has no right on a post to which a regular Lorry Driver has been transferred. "It was submitted before the Tribunal that the workman had already sent a representation dt. 22-9-2000 to Chief General Manager, Telecom for treating him as casual labour but the Tribunal did not give any findings in this regard and further observed "it is for the respondent to take the decision thereon. Such issue is not involved in the present O.A. No. such direction can be given and dismissed OAs filed by the workman and applicants."

20. Aggrieved by the order of the Tribunal, Lucknow the workman has also approached to Hon'ble Allahabad High Court, Lucknow Bench, Lucknow by way of writ but later on same was withdrawn by him.

21. Thus, it is evident from the orders of the Tribunal passed in OAs filed by the workman that the workman had claimed the relief of granting temporary status and regularization on the ground that he had worked as casual Lorry Driver for 9 years. When he could not succeed to get the said relief he has changed his version and now he is claiming temporary status on the ground that he was working as casual labour as such he is entitled to get temporary status from the date his juniors have been granted temporary status.

22. In the joint representation dt. 22-9-2000 submitted by the workman and other two workmen viz. Phool Kunwar and Om Prakash, they have prayed as under;

"निवेदन है कि हम सब प्रार्थीगण जी. एम.एम. मेन्टीनेस्स, लखनऊ के अधीनस्थ के कार्यालयों में केजुअल लारी ड्राइवर के पद पर लगभग 9-10 सालों से लगातार विभाग की सेवा कर रहे हैं। हम लोगों के प्रति विभाग कोई रेग्युलर करने की कोई स्कीम नहीं बना रखी है। जबकि इसी विभाग में जो सन् 1997 में केजुअल लेबर लगाए गये थे उनको अस्थाई दर्जा प्रदान कर दिया गया है। हम सब प्रार्थीगण आपसे करबद्ध प्रार्थना कर रहे हैं कि हम सब केजुअल लारी ड्राइवरों को केजुअल लेबर बनाकर अस्थाई दर्जा प्रदान करने की कृपा की जावे।"

23. Thus, it is admitted facts in his representation that the workman was initially engaged as casual Lorry driver and he had worked as such since, casual Lorry driver comes under 'C' cadre he was not entitled for grant of temporary status as claimed by him. The statement of the workman that he was engaged as casual labour does not find support from his own representation. Further, order of the Administrative Tribunal, Lucknow passed on 21-12-2001 has attained finality wherein it was contended that he was engaged as casual Lorry driver.

24. The workman has submitted copy of the order dt. 20-5-1999 (paper No. 2/5) pertaining to revised daily wages rates w.e.f. 1-1-1999 wherein the revised wages of the casual driver administrative office has been shown as Rs. 176.15 per day and casual driver in operative office Rs. 134.20 per day. The workman has admitted in his statement that he was getting Rs. 134.20 per day as wages which is equivalent to the wages of the driver in operative office as per said order dt. 20-5-1994, further he has admitted this fact in his cross-examination that he was disengaged after regular driver joined his duty and he was paid one month wages in lieu of notice. The management witness has also stated in his cross-examination that casual Lorry driver and casual worker were getting the same wages.

25. In support of his contention that a pick & choose policy has been adopted & temporary status has been granted to several casual labourers who were working as Lorry driver, the workman has submitted a copy of order dt. 03-07-2000 (paper no. 3/10) by which temporary status has been granted to workmen Sh. R.k. Shukla, Om Prakash & Sh. Chandra Bhushan. But upon perusal of the said order it is evident that they have been shown as casual labourers and temporary status has been granted to them as such whereas as pointed out earlier it was admitted case of the workman in the application before Administrative Tribunal, Lucknow and in his representation dt. 22-09-2000 that he was initially appointed as casual Lorry driver. He has not adduced any documentary evidence, which shows that any casual Lorry driver has been granted temporary status. Thus, the contention of the workman is not tenable.

26. The learned representative on behalf of the workman has cited case laws in support of his contention that the workman had worked as casual labour for 9 years, therefore, termination of his services after such a long period is unjustified. But the facts of the case laws cited are distinguishable from the present case. In 2000 UPLBEC 622 (Alld. H.C) the concerned employee was appointed on 1-8-1950 in the services of the Central Govt. as Medical Officer on temporary basis. The above post was later on abolished and his services disposed with, but the State Government took over the services of the petitioner in the year 1965 and thereafter he continued in service till 1975. In such circumstances Hon'ble High Court observed that after continuous services of 19 years the employee can not be terminated treating as temporary employee. In 2000 (2) UPLBEC 1719 the case of the petitioner therein was that all of them are employee of Kisan Sahkari Chinni Mill Ltd. and they have been working as class III & IV of many years and some of them are working against permanent post for a long period inspite of their long tenure they have not yet been confirmed on the post which are available. In 2001 (1) UPLBEC 834 the matter was pertaining to regularization of the workmen Hon'ble High Court observed that absorption of the workman cannot be refused on the ground of financial problems. But in present case, the Administrative Tribunal, Lucknow has already decided that workman was initially appointed as casual Lorry driver in group 'C' cadre therefore, he is not entitled to get the benefit of scheme for grant of temporary status and he is also not entitled for regularization. The order of the Administrative Tribunal in the said O.A. No. 334/2001 has attained finality. Further the workman has admitted in his representation dt. 22-09-2000 since scheme of granting temporary status is not available to the casual Lorry Driver, he may be treated as casual worker. Therefore, the principles laid down in the said case laws are not applicable in the present matter.

27. Thus, in view of the above discussions, the workman has failed to establish that he was engaged as casual labour and he had worked as such under group 'D' cadre for 9 years and was entitled to get temporary status.

28. Therefore, action of the opposite party in not granting temporary status & terminating the services of the workman w.e.f. 24-5-2001 is not unjustified and illegal. Resultantly, the workman is not entitled to get any relief.

29. The reference under adjudication is answered accordingly.

30. Award as above.

LUCKNOW

12-01-2010

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 526.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार रेलवे के प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 32/2005) को प्रकाशित करती है, जो केंद्रीय सरकार को 27-01-2010 को प्राप्त हुआ था।

[सं. एल-41012/126/2004-आईआर (बी.-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 526.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2005) of the Central Government Industrial Tribunal-cum-Labour Court -I, Chandigarh as shown in the Annexure in the industrial dispute between the management of Northern Railway and their workman, which was received by the Central Government on 27-01-2010.

[No. L-41012/126/2004-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Case I. D. No. 32/2005

Shri Dharam Pal, S/o Sh. Babu Ram, Village & P.O. Dukheri, Tehsil & District Ambala.

...Applicant

Versus

The Divisional Railway Manager, Northern Railway Ambala Division, Ambala Cantt. (Haryana)

...Respondent

APPEARANCES

For the Workman : Sh. N. K. Nagar, Advocate

For the Management : Sh. N. K. Zakhmi, Advocate

AWARD

Passed on 11-1-2010

Government of India vide its Notification No. L-41012/126/2004-IR (B-I) dated 04-07-2005, by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred the

following industrial dispute for adjudication of this Tribunal :—

“Whether the action of the Divisional Railway Manager, Northern Railway, Ambala Cantt. in not allowing pensionary benefits to Sh. Dharam Pal S/o Shri Babu Ram, Ex-Khalasi, w.e.f. 1-5-94 by not counting his casual and regular service as per rule is justified ? If not, to what relief the said workman is entitled to and from which date ?”

The main dispute between the parties in this reference is whether the period served by the workman as daily casual worker should be counted in qualified period for pensionary benefits to the workman ? Main facts of the case are that the workman was engaged as casual labour on daily wage basis on 11-12-1968. He was appointed as Khalasi on 30-01-1987 and was screened on 16-01-1989 as Khalasi. He retired from the services on 30-04-1994 on attaining the age of superannuation. The Department of Railway under para 2511 of Indian Railway Establishment Manual, from 30-11-1987 to 16-08-1989 commuted 50 per cent of the period. Meaning thereby from the date 30-01-1987 on which he was appointed as Khalasi till the date of screening by which he was conferred to the permanent status, only 50 per cent of the period was commuted. As per the calculation of the Railway Department, the qualifying service for workman was 5 years 11 months and 19 days. As per the contention of the management of the Railway department the pension can be given on completion of 9 years 9 months of qualifying service.

The workman challenged the contention of the management and requested that his services should be counted from 11-12-1968 from the date he was engaged as daily wage worker.

Parties were afforded the opportunity for adducing the evidence. Parties were heard at length as well.

As stated earlier, the main issue before this Tribunal for adjudication is whether the services rendered by the workman as Casual labour on daily wage basis should be commuted to his qualifying services for pensionary benefits ?

The management has relied on para 2511 of Indian Railway Establishment Manual and a judgment of the Supreme Court in Union of India Versus K. G. Radhakrishnan Vanickar SCT-1998-604. On the other hand the workman has relied on the following case laws :—

1. Hari Chand Versus BBMB & others 2005(2) SCT-95 DB
2. Kashmir chand Versus Punjab state Electricity Board 2005 (4) SCT-298

The workman has also filed a copy of circular order, which is the part of Indian Railway Establishment Manual advance correction slip No. 135.

I have gone through all the case laws filed and relied upon by the parties.

Para 2511 of Indian Railway Establishment Manual reads as under :—

“Casual labours treated as temporary are entitled to all the rights and benefits admissible to temporary railway servants as laid down in chap. XXIII of the I.R.E.M. The rights and privileges admissible to such labour also include the benefit of Discipline & Appeal Rules. However, their service prior to absorption in temporary/ permanent regular cadre after the required selection/screening will not count for the purpose of seniority and the date of their regular appointment after screening/ selection shall determine their seniority vis-a-vis other regular employees. This is, however, subject to the proviso that if the seniority of certain individual employees has already been determined in any other manner, either in pursuance of judicial decisions or otherwise the seniority so determined shall not be altered. Casual Labour shall be eligible to count only half the period of service rendered by them after attaining temporary status on completion of 120 days continuous employment and before regular absorption as qualifying service for the purpose of pensionary benefits. Such casual labour, who has attained temporary status, will also be allowed to carry forward the leave at their credit to the new post on absorption in regular service. Daily rated casual labour or labour employed on projects will not be entitled to these benefits.”

On reading of para 2511 of the manual, it is clear that casual labour treated as temporary are entitled to all the rights and benefits admissible to temporary Railway service as laid down in Chapter XXIII of Indian Railways Establishment Manual. Hon'ble the Apex Court in K. G. Radhakrishnan's case (supra) the decided regarding the project casual labour. The workman was not the project casual labour but he was engaged as daily wage worker by the management on 11-12-1968. Accordingly, the case laws referred and relied upon by the Railway department is not applicable in this case, because the nature of engagement of workman is different than the nature of the appointment of the workman in K.G. Radhakrishnan's case (supra).

The workman has filed an abstract of slip No. 135 of Indian Railways Establishment Manual advance correction slip. It shows that following correction was made in para 2511(a) by correction slip No. 135 in Indian Railways Establishment Manual. Slip No. 135 reads as under :—

“Casual labours treated as temporary are entitled to all the rights and benefits admissible to temporary railway servants as laid down in Chap. XXIII of the I.R.E.M. The rights and privileges admissible to such labour also include the benefit of Discipline & Appeal Rules. However, their service prior to absorption in temporary/ permanent regular cadre after the required selection/screening will not count for the purpose of seniority and the date of their regular appointment after screening/ selection shall determine their seniority vis-a-vis other regular employees. This is, however, subject to the proviso that if the seniority of certain individual employees has already been determined in any other manner, either in pursuance of judicial decisions or otherwise the seniority so determined shall not be altered. Casual Labour shall be eligible to count only half the period of service rendered by them after attaining temporary status on completion of 120 days continuous employment and before regular absorption as qualifying service for the purpose of pensionary benefits. Such casual labour, who has attained temporary status, will also be allowed to carry forward the leave at their credit to the new post on absorption in regular service. Daily rated casual labour or labour employed on projects will not be entitled to these benefits.”

Hon'ble the Punjab and Haryana High Court in both the above mentioned case laws has held that service rendered by the workman as daily wage worker shall be counted in his qualifying service for the purpose of pension. The amended correction slip No. 135 give an opportunity to the management that after completing 120 days of employment temporary status can be given. This amendment gives the two options to the management to confer the temporary status after completion of 120 days of work as daily wage worker or to count half of the period the workman served as daily wage worker after completing 120 days of work. It is a beneficiary provision of legislature. It is the settled principle of interpretation of beneficiary law that when there are two possible interpretations, that interpretation should be accepted by the courts or Tribunals, which is in the favour of the workman. It was an administrative inaction of the management that after completion of 120 days of work, the workman was not conferred the temporary status. Thus, the Indian Railway Establishment Manual advance correction slip No. 135 direct the management that if after 120 days of work no temporary status is conferred, 50 per cent of the period, workman served as daily wage worker should be counted in qualifying service for pension on completion of 120 days of work. In this case, the workman worked from 11-12-1968. He should have been conferred the temporary

status on satisfactory completion of 120 days of work. It was an administrative inaction of the management that for long 19 years no heed was given to the rights of the workman. In my view, the workman should not suffer for an administrative inaction of the department, where liberal construction of legislation provides the remedy. Slip No. 135 which is mentioned above clearly provides that after completion of 120 days of work temporary status should be given and from the date of temporary status to the date of absorption 50 per cent of the period should be commuted as qualifying service. Workman completed 120 days of work on 11-02-1969. Thus, if management failed to confer the temporary status, 50 per cent of the period from 11-02-1969 (on completion of 120 days of work) till the date of absorption into the services which is 16-01-1989, shall be commuted for qualifying service. Thus, as per the law laid down by the Punjab and Haryana High Court in both of the above case laws and on liberal and beneficiary construction of Indian Railway Establishment Manual advance correction Slip No. 135 which modified and amended para 2511 (a) of Indian Railway Establishment Manual, the workman has completed much more service which is required for granting pension. Accordingly, the Railway Department is directed to release the pensionary benefits to the workman within one month from the publication of the award.

If the purpose for advance correction Slip No. 135 is also taken into consideration, the intention of legislation is very well reflected. If the same interpretation is taken of para 2511(a), what was the requirement for incorporating advance correction Slip No. 135. Thus, intention of legislature is very well clear that on completion of 120 days of satisfactory service, the management either has to grant the temporary status, or commute the service for pension. If it is not, the very purpose for incorporating advance correction Slip No. 135 is defeated.

It is also the contention of the management that the name of the workman is stale. I am not inclined to accept this contention because the workman was trying on all levels to get the pensionary benefits and on account of failure on various departments he raised the industrial dispute. Accordingly the industrial dispute is not stale.

The reference is accordingly answered. Railway Department is directed to pay the pension and all the pensionary benefits (back wages) along with 8 per cent interest thereon within three months from the date of publication of the award. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

नई दिल्ली, 27 जनवरी, 2010

का.आ. 527.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं स्पोर्ट्स एथेटी ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. I, चण्डीगढ़ के वंचाट (संदर्भ संख्या 105/05, 106/05 एवं 108/05,) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2010 को प्राप्त हुआ था।

[सं. एल-42012/148/2004-आई.आर.(सी-II)]
 [सं. एल-42012/147/2004-आई.आर.(सी-II)]
 [सं. एल-42012/161/2004-आई.आर.(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 527.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.105/05, 106/05 & 108/05) of the Central Government Industrial Tribunal-cum-Labour Court, No. I Chandigarh as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Sports Authority of India Training Centre and their workman, which was received by the Central Government on 27-1-2010.

[No. I-42012/148/2004-IR (C-II)]
 [No. I-42012/147/2004-IR (C-II)]
 [No. I-42012/161/2004-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
 PRESIDING OFFICER, CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL CUM-LABOUR COURT I,
 CHANDIGARH**

I.D. No's:- 105/2005, 106/2005 & 108/2005

- (1) Shri Sunil Kumar S/o Shri Latoor Singh H. No. 135, Professor Colony, Balsamand Road, Hissar.
- (2) Shri Rajinder S/o Shri Latoor Singh H. No. 135, Professor Colony, Balsamand Road, Hissar.
- (3) Shri Sushil Kumar R/o 3105, Housing Board Colony, Dhanas, Chandigarh.

.....Applicant

Versus

- (1) The Assistant Director, Sports Authority of India Training Centre, HAU, Hissar.
- (2) The Assistant Director, Sports Authority of India NSNC Hockey Stadium, Sector-42, Chandigarh.

.....Respondents

APPEARANCES

For the Workman Shri Chanderdeep Singh

For the Management Shri A. K. Sharma

AWARD

Passed on: 1-1-10

All the three references namely ID no. 105/05 Shri Sunil Kumar Vs. Sports Authority of India, ID no. 106/05 Shri Rajinder S/o Shri Latoor Singh Vs. Sports Authority of India and ID no. 108/05 Shri Sushil Kumar Vs. Sports Authority of India are connected to each other. Common questions of law and facts are involved in all the references. In view of ends of justice all the references are joined up by this award. The references referred in all the three cases, its titles are as follows:-

1. I-42012/148/2004-IR (CM-II) Dated 17-4-2005

“Whether the action of the management of Sports Authority of India, Hissar in terminating the services of Shri Sunil Kumar S/o Shri Latoor Singh, Groundman w.e.f. 17-9-2002 is legal and justified? If not, to what relief the workman is entitled?”

2. I-42012/147/2004-IR (CM-II) Dated 22-6-2005

“Whether the action of the management of Sports Authority of India, Hissar in terminating the services of Shri Rajinder Kumar S/o Shri Latoor Singh, Groundman w.e.f. 3-10-2002 is legal and justified? If not, to what relief the workman is entitled?”

3. I-42012/161/2004-IR (CM-II) Dated 29-6-2005

“Whether the action of the management of Sports Authority of India, Chandigarh in terminating the services of Shri Sushil Kumar w.e.f. 1-9-2002 is legal and justified? If not, to what relief the concerned workman is entitled to and from which date?”

As stated earlier, similar questions of law and facts are involved except the date of joining and the date of termination. In the matter of ID no. 106/05, Shri Rajinder Singh has pleaded that he joined the services on 27-1-09 and his services were terminated on 3-1-2001. Whereas, the management has stated that Shri Rajinder Singh joined the services on 23-7-01 and his services were terminated on 30-9-02. Likewise, Shri Sunil Kumar has contended in ID no. 105/05 that he joined the services on 23-7-01 and his services were terminated by the management on 17-9-02, whereas the management has contended that Shri Sunil Kumar joined the services on 16-10-01 and his services were terminated on 31-1-02. Whereas, in ID no. 108/05 Shri Sushil Kumar has contended that he joined the services on 14-10-01 and his services were terminated on 19-9-02. This period alleged to be served by Sushil Kumar has not been disputed by the management.

It is further contention of every workman that they have completed 240 days of work with the management of Sports Authority of India. Their services were terminated without notice or one month wages in lieu of notice and without legal terminal dues. Their services were terminated against the provisions of the Industrial Disputes Act, 1947 (the Act in short).

The management has objected the very industrial nature of the Authority by stating that Sports Authority of India is not an industry. It is further contended by the management that none of the workman has completed 240 days of work. Hence, no notice or retrenchment compensation was required to be given/paid before terminating their services. Every workman was engaged for 89 days on contract basis and after expiry of contract they were engaged as daily waged worker. They have not completed 240 days of work as daily waged worker. In the case of Sunil Kumar the management has also orally contended that his services were terminated because of his misconduct though the fact of misconduct has not been mentioned in the pleadings.

Parties were afforded the opportunity for adducing evidence. In every Industrial Dispute workman filed the affidavit and he was cross-examined by the learned counsel of the management. On behalf of the management Shri Ajit Singh, Deputy Director, Sports Authority of India, Northern Region, Sonepat filed the affidavit and he was cross-examined by each workman and by this Tribunal. In all the references documents have been filed by the management. Surprisingly, the documents filed in different industrial disputes are different regarding the length of services of every workman. In every industrial dispute the initial appointment has been shown on contract for 89 days, thereafter, every workman is said to work on daily waged basis and the payment was made good monthly. I have heard the parties at length and perused the entire materials on record. The main issues before this Tribunal in all the three references are as follows:-

- (1) Whether the management of S.A.I. is an industry?
- (2) Whether the workman has completed 240 days of work in the preceding year from the date of his termination?
- (3) Relief, if any.

I have perused the pleadings and evidence oral and documentary available on each file. All the three files were consolidated by this Tribunal and ID No. 106/05 was made the leading file in which evidence was recorded.

I am answering the issues one by one.

On issue no. 1, I am of the view that the term 'industry' has been defined in Section 2(j) of the Industrial Disputes Act, 1947, to mean any business, trade, undertaking,

manufacturing or calling upon employers and includes any calling, services, employment, handicraft or industrial occupation or avocation of workmen. In Bangalore Water Supply and Sewerage Board Vs. A Rajappa and Others AIR, 1978 Supreme Court 548., seven Judges Bench of Hon'ble the Apex Court has defined the word 'Industry'. As per the abovementioned law laid down by the Apex Court, industry has defined in Sub-section 2(j) as a wide term and import as :—

- (a) Where there is (i) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss), *prima facie*, there is an industry in the enterprise.
- (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
- (d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

Thus, the test (specially triple test) referred by Hon'ble the Apex Court in Bangalore Water Supply case (supra), are necessary to qualify any institution to be an industry.

Regarding the sovereign functions, Hon'ble the Apex Court in Bangalore Water Supply case (supra), has held that sovereign functions strictly understood cannot alone qualify the exemption, nor the welfare activities or economic advantage undertaken by Government or statutory bodies. Even in departments discharging sovereign functions, if there are units which qualified to be the industry and they are substantially several then, they can be considered to come within Section 2(J) in the definitions of Industry.

Thus, the issue of industry has to be adjudicated and answered on the basis of the work entrusted by the Sports Authority of India to every workman and the functions discharged by them. The management has not raised this issue at the time of recording evidence nor argued on this issue. But as the management has raised this preliminary objection, I am bound to answer it. The cumulative effect of the evidence is that workman were working as daily waged worker and provided their services when the camps were organized by the management and when no camps were held the routine work which was

entrusted to them as the daily waged worker. The work of a daily waged worker of alleged nature has no nexus with the authority of the state which the management has claim in the pleadings. Thus, on the basis of the above observation and the work entrusted by the management to the workmen and carried on by them, I am of the view that management is an industry.

On issue No. 2, the management has contended that initial appointments of the workmen were on contract basis of 89 days and this period for 89 days has no nexus with the workman working on daily waged basis. As per the contention of the management, the workman have not completed 240 days of work as daily waged worker in the preceding year from the date of his termination. The witness of the management has admitted that after 89 days the workmen were allowed to work as such. Monthly wages were paid by cheques. It is also admitted by the witness of the management that workman Shri Rajinder Kumar had worked even before July 2001. The work before July 2001, was taken by his predecessor officer intermittently and casually. He denied to tell the exact number of working days, workman Shri Rajinder Kumar had worked before July 2001. It is admitted that new hands were appointed after the termination of the services of each workman. Shri Devender, Shri Updesh and Shri Rajinder were appointed. Shri Devender was appointed with workman Shri Rajinder Kumar, whereas, Shri Updesh and Shri Rajinder joined the services after joining by each workman.

When the work is available with the management and the management has no plan for recruitment against regular vacancies according to the rules of the department, such an initial appointment for 89 days and thereafter, permitting the workman to continue work as such shall be considered as unlawful labour practice. Thus, the period of contract of 89 days shall be counted while calculating the working days of each workman. Hon'ble the Apex Court has also laid down the same view in 2006 AIR SCW 2979, Haryana State Electronics Development Corporation Ltd. Vs. Mamni. In para No. 9 of the judgment it is held by the Hon'ble the Court as under:—

“The respondent was appointed from time to time. Her services used to be terminated on the expiry of 89 days on regular basis. However, it is noticed that she used to be appointed after a gap of one or two days upon completion of each term. Such an action on the part of the Appellant cannot be said to be bona fide. The High Court rejected the contention raised on behalf of the appellant herein stating:

It is not possible for us to accept the aforesaid plea raised at the hands of the management on account of the fact that the factual position, which has not been disputed, reveals that the respondent-workman was repeatedly engaged on 89 days basis. It is, therefore, clear that the intention of the

management was not to engage the respondent workman for a specified period, as alleged, but was to defeat the rights available to him under Section 25-F of the Act. The aforesaid practice at the hands of the petitioner-management to employ the workman repeatedly after a notional break, clearly falls within the ambit and scope of unfair labour practice.”

Thus, I am of the view that management was not intended to appoint the workman on contract basis to prevent the workman to exercise any lawful right under the Industrial Disputes Act. If these 89 days are calculated along with the days every workman has worked as every labour on expiry of these 89 days of contractual appointment, every workman has completed 240 days of work in the preceding year from the date of his termination.

It is admitted to the management that Shri Updesh and Rajinder Singh joined the services after every workman and they continued to work after termination of the services of the workman. Thus, on both the accounts, namely, the workman has completed 240 days of work in the preceding year from the date of his termination and juniors to them retained in the services while their services were terminated, the termination of each workman is illegal. It is also admitted that no notice was given to the workman before the termination of his services. On month wages in lieu of the notice and legal terminal dues were also not paid. Accordingly, the retrenchment of the every workman was against the provisions of the Act and illegal.

Whenever, the services of any workman are declared to be illegal on account of termination being against the provisions of the Act, there are two possible remedies available. The management may be directed to reinstate the workman on the same position his services were terminated. It is hereby made clear that this issue has no concern and nexus with the regularization of the services. Industrial Disputes Act protects the illegal termination of the workman. If the services of any workman are terminated illegally, the workman has right to reinstate on the same position. Another remedy is a reasonable compensation. It is the settled principle of services jurisprudence that priority should be given for reinstatement into the services. In exceptional cases where the work is not available or such like issue etc. the workman may be compensated with reasonable amount of compensation. It is not the case of the management that no work is available with it. Thus, considering the fact that the work is very well available with the management, order of reinstatement of the workman into the services with full back wages, in my view is the appropriate remedy. The management is accordingly directed to reinstate the services of each workman along with back wages and consequential benefits within one month from the date of publication of this award. Let Central Government be approached for

publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 528.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट (संदर्भ संख्या 14/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2010 को प्राप्त हुआ था।

[सं. एल-22012/92/2005-आई.आर.(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 528.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.14/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Nimcha Colliery of M/s. ECL and their workmen, received by the Central Government on 27-1-2010.

[No. L-22012/92/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI MANORANJAN PATTNAIK, Presiding Officer

REFERENCE No. 14 OF 2006

PARTIES:

The Agent, Nimcha Colliery of M/s. ECL, Bidhanbag, Burdwan.

Vrs.

President, Koyla Mazdoor Congress, Gorai Mansion, G. T. Road, Asansol, Burdwan.

REPRESENTATIVES

For the Management : P. K. Goswami, Advocate

For the union (Workman) : Sri Suresh Chamar
(Workman)

Industry : Coal State : West Bengal

Dated the 11-1-2010

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour vide its letter No. L-22012/92/2005-IR (CM-II) dated 13-6-2006 has been

pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Nimcha Colliery of M/s. ECL in dismissing Shri Suresh Chamar, U. G. Loader from service w.e.f. 5-7-2004 is legal and justified? If not, to what relief the workman is entitled ?”

Having received the Order No. L-22012/92/2005-IR (CM-II) dated 13-6-2006 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 14 of 2006 was registered on 11-7-2006 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the record it appears that petition dated 7-1-2010 has been filed by the Secretary, Koyla Mazdoor Congress with application of the workman praying for withdrawal of the dispute along with a copy of Form 'H' containing the terms and conditions of settlement. There is no need for further proceeding. The Industrial Dispute no more exist and hence an award to that effect is to be passed. Accordingly

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट (संदर्भ संख्या 70/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2010 को प्राप्त हुआ था।

[सं. एल-22012/98/2007-आई.आर.(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 529.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.70/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the

Industrial Dispute between the management of Kalipahari Colliery of M/s. ECL and their workman, received by the Central Government on 27-1-2010.

[No. L-22012/98/2007-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI MANORANJAN PATTNAIK, Presiding Officer
Reference No. 70 of 2007

PARTIES:

The Agent, Kalipahari Colliery of M/s. ECL, Kalipahari Burdwan.

Vrs.

General Secretary, Koyla Mazdoor Congress, Gorai Mansion, G. T. Road, Asansol, Burdwan.

REPRESENTATIVES

For the Management	: None
For the union (Workman)	: None
Industry : Coal	State : West Bengal

Dated the 20-10-2010

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/98/2007-IR (CM-II) dated 8-8-2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of M/s. ECL in not allowing Shri Raj Kumar Kora to work is legal and justified? If not, to what relief is the workman entitled?”

Having received the Order No. L-22012/98/2007-IR (CM-II) dated 8-8-2007 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 70 of 2007 was registered on 4-9-2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed

statement of claim and did not make their appearance at all. The management too not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, आसनसोल के पंचाट (संदर्भ संख्या 09/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2010 को प्राप्त हुआ था।

[स. एल-22012/29/2004-आई.आर. (सी.एम. 11)]

अजय कुमार गाँड, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 530.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 09/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Pandaveshwar Area, M/s Eastern Coalfields Limited, and their workmen, received by the Central Government on 27-1-2010.

[No. L-22012/29/2004-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI MANORANJAN PATTNAIK, Presiding Officer
Reference No. 9 of 2005

PARTIES:

The Agent, Monderboni Colliery of M/s. ECL, Pandaveshwar, Burdwan.

Vrs.

Jt. General Secretary, Ukhra Colliery Mazdoor Union (INTUC), Cinema Road, Ukhra, Burdwan & General Secretary, Khan Mazdoor Karnachari Union (U.K.K.U.) Haripur, Burdwan

REPRESENTATIVES

For the Management	: None
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For the union (Workman) : None

Industry : Coal

State : West Bengal

Dated the 19-10-2009

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/29/2004-IR (CM-II) dated 22-12-2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Monderboni Colliery under Pandabeswar Area of M/s. ECL in denying payment of life cover scheme amount/monetary compensation and employment to dependents of Late Ram Majhi, Under ground Loader is legal and justified? If not, to what relief the family of deceased workman is entitled?”

Having received the Order No. L-22012/29/2007-IR (CM-II) dated 22-12-2004 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 9 of 2005 was registered on 12-1-2005 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an “Award” be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 531.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

आसनसोल के पंचाट (संदर्भ संख्या 13/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2010 को प्राप्त हुआ था।

[सं. एल-22012/90/2008-आई.आर.(सी.एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th January 2010

S.O. 531.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of ECL and their workmen, received by the Central Government on 27-1-2010.

[No. L-22012/90/2008-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI MANORANJAN PATTNAIK, Presiding Officer

Reference No. 13 of 2009

PARTIES:

The Agent, Girmint (R) Colliery of M/s. ECL. Pariharpur Burdwan.

Vrs.

Secretary, Colliery Mazdoor Union, 27, G. T. Road, Asansol Burdwan

REPRESENTATIVES

For the Management : None

For the union (Workman) : None

Industry : Coal

State : West Bengal

Dated the 30-10-2009

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/90/2008-IR (CM-II) dated 3-3-2009 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Girmint (R) Colliery by not offering employment to Shri Krishna Bhuiya S/o late Bhuneswar Bhuiya is legal and justified? To what relief is he entitled?”

Having received the Order No. L-22012/90/2008-IR (CM-II) dated 3-3-2009 of the above said reference from the Government of India, Ministry of Labour, New Delhi

for adjudication of the dispute, a reference case No. 13 of 2009 was registered on 27-3-2009 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an "Award" be and same is passed as per above. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ईसी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम स्थायालय, असनसोल के पंचाट (संदर्भ संख्या 29/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2010 को प्राप्त हुआ था।

[सं. एल-22012/81/2006-आई.आर.(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 532.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.29/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Ningah Group of Mines of M/s. ECL and their workmen, received by the Central Government on 27-1-2010.

[No. L-22012/81/2006-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI MANORANJAN PATTNAIK, Presiding Officer

Reference No. 29 of 2007

PARTIES:

The Agent, Ningha Group of M/s. ECL, Ningha, Burdwan.
Vrs.

General Secretary, Koyla Mazdoor Congress, Gorai Mansion, G. T. Road, Asansol Burdwan

REPRESENTATIVES

For the Management : None

For the union (Workman) : None

Industry : Coal

State : West Bengal

Dated the 19-10-2009

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/81/2006-IR (CM-II) dated 16-4-2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management in denying the employment to the dependent of late Sri Puran Singh, is legal and justified? If not, to what relief the dependent of the deceased workman is entitled?"

Having received the Order No. L-22012/81/2006-IR (CM-II) dated 16-4-2007 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 29 of 2007 was registered on 3-5-2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned

The workman nor his authorized representative nor the Union raising this Industrial dispute ever filed statement of claim and did not make their appearance at all. The management too did not take any steps apparently finding the workman's no interest for redressal. As such there is reason to find that no dispute exists and the workman is entitled to no relief. Hence

ORDERED

Let an "Award" be and same is passed as per above. Send the copies of the award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MANORANJAN PATTNAIK, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 533.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पी जी आई एम आर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 68/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2010 को प्राप्त हुआ था।

[सं. एल-42012/41/2006-आई.आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 533.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government here by publishes the award (Ref. No. 68/2006) of the Central Government Industrial Tribunal cum Labour Court No. 1 Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of PGIMR and their workman, which was received by the Central Government on 27-01-2010.

[No. L-42012/41/2006-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANEDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. I.D. No. 68/2006

Sh. Naryan Sharma C/o Shri Bishnu Dev Sharma, R/o H.No. 2082, Pipliwalा Town, Manimajra, Chandigarh.

Applicant

Versus

The Director, PGI Chandigarh

Respondent.

APPEARANCES

For the workman

Sh. Ranjit S. Dhiman, AR for workman

For the Management

Sh. N.K. Zakhmi, Advocate.

AWARD

Passed on 15-1-10

Government of India vide notification No. L-42012/41/2006-IR(DU), dated 23-10-2006 by exercising its powers under Section 10 of the Industrial Disputes Act, 1947

referred the following industrial dispute for adjudication of this Tribunal:—

“Whether the action of the management of PGIMR, Chandigarh in terminating the service of their workman Shri Naryan Sharma w.e.f. 04-10-2005 is justified? If not, to what relief the workman is entitled to?”

The main controversy between the parties is whether there had been any employer-employee relationship between the parties? It is the contention of the workman that he worked with the management of PGI twice. Previously he was appointed in March 1998 as Ward Servant. His services were terminated in the year 2001. Thereafter, on recommendations of the then Hon'ble Health Minister, he was again appointed in the year 2002 as Health Attendant. His services were again terminated on 05-10-2005 illegally without assigning any reason. No notice or one month wages in lieu of notice and retrenchment compensation was given/paid to him before terminating his services. It is also the contention of the workman that he was forced to work more than 8 hours a day without overtime payment. On the basis of above contention, the workman has requested for setting aside the order of termination and for a consequential order reinstating the services of the workman along with other benefits.

The management of respondent PGI appeared and contested the petition by filing written statement. In the written statement employer-employee relationship between the workman and the management has been challenged. It is contended that workman was never appointed by the PGI but he worked through different contractors namely: Good Housekeeping New Delhi, Aman Security & Detectives (Regd.), Chandigarh, M/s. Paragon Security & Allied Services (Regd.), New Delhi, M/s. Om Security & Cleaning Services, Noida (U.P.) and M/s. A.N. Kapoor (Janitors) Pvt. Ltd., Lucknow (U.P.). He was paid wages by the contractors and not by the PGI. He was for all purposes under the administrative control of the contractor.

It is also the contention of the management that services of the workman were not terminated but he voluntarily abandoned his services.

The main issue before this Tribunal is whether the workman has been the employee of the PGI, if yes, to what relief he is entitled?

Parties were afforded the opportunity of adducing evidence. Shri Naryan Sharma workman filed his affidavit. He was cross-examined by the learned counsel of the PGI. Likewise, Shri Tilok Raj Sharma filed his affidavit and he was cross examined by the workman and the Tribunal as well. Both of the parties filed their respective documents. The workman has filed the copies of the letters written to the Hon'ble Health Minister on number of occasions. Apart

from it attendance sheets and duty chart of the workman including Shir Narayan Sharma have also been filed. The management has filed the attested photo copies of the attendance sheet, attested copy of Agreement with the contracting agency for supplying contract labour and the documents relating to the payment of wages.

Parties were heard at length. So far as the relationship of the workman and the management of PGI are concerned, it is a matter of fact and law and will be adjudicated on perusal of pleadings filed, evidence adduced by the parties and applying the appropriate law. It is admitted to the workman that no appointment letter or termination letter was service to him. No doubt, the workman has contended that payments of wages were made good by the management and not by any contractor. But the documents filed by the management prove that payments of wages were made good by the contractor and not by the management of PGI directly. In his cross-examination workman Narain Sharma on page No. 2 para No. 7 has not denied that he received the payment from any contractor. He has stated that he do not know that he was paid wages by M/s. A.N. Kapoor in the presence of Officer of PGI. Likewise, he has made the similar statement regarding the deduction of his GPF. From the above, it is clear that there is a force in the contention of the management that payments of wages were made good by the contractor to the workman.

Hon'ble the Apex Court in 2008 LLR 801, GM ONGC v. Silcher Vs. ONGC Contractual Workers Union, has laid down the criteria to establish the direct employee-employer relationship between the workman and the management of any organization. If we apply the ratio of GM. Silcher case (supra) the workman has to prove the following facts to establish the employee-employer relationship:

- (1) That there existed a relationship of master and servant;
- (2) That there was no contractor appointed by the management of PGI.
- (3) The management of PGI used to supervise the different work assigned to individual worker.
- (4) That the management of PGI took disciplinary action and called for explanations from the worker.
- (5) That the workers were paid wages by the management of PGI directly and not through the contractor.
- (6) At the cost of repetition, the wages were paid directly to the worker by the management of PGI and the acquaintance role was prepared by the management of PGI to make the payment to the workers.

If the above mentioned ratio of GM. ONGC, Silcher's case (supra) is applied in the present reference, it is evidently clear that workman has failed to prove that he was appointed "servant" by the management of PGI directly. He has admitted that no appointment letter was given to him. There is no iota of evidence on record to prove that the workman was directly under the administrative control of the management of PGI. No doubt, it is conceivable to the workman that his attendance was marked by the PGI, but it will not be sufficient to prove the administrative control. The word "Administrative control" has to be interpreted differently. In different Central Government industries for their different services and exigencies of work. The nature of work is such that sometimes an Officer of PGI may prepare the duty chart and hand over the same to the contractor. It is also true that the services rendered by PGI should not be restricted to the contract labour but this Tribunal has nothing to say on it because it is the Government policy and virtue of the Government policy is not before this Tribunal nor it can be challenged before this Tribunal. Thus, Tribunal has to answer the reference subject to the existing Government policy.

Thus, the contention of the workman that duty chart was prepared by the Officers of the management of PGI and because of this fact he was directly under the administrative control of the PGI is not acceptable. It was in the exigencies of services rendered by the PGI that duty chart of the employees whose services were provided by the contractor was prepared by the PGI itself.

The documents filed by the management prove that the workman served the PGI through different contractors. He was paid the wages by the contractors. His GPF was deducted by the contractor. He was under the administrative control of the contractor and not of the PGI. Thus, on the basis of above observations I am of the view that the workman was not the employee of the PGI. The services were provided with to the PGI through different contractors in different period. Accordingly, there was no occasion for PGI for terminating the services of the workman. This reference is answered accordingly. Workman is not entitled to any relief. Let the Central Government be approached for publication of the award and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 27 जनवरी, 2010

का.आ. 534.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं पीजी बोर्टिंग प्लांट, अंड.ओ. सी.एल. के प्रबंधतंत्र के मध्यम सिरोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औंदोलिक विवाद में केन्द्रीय सरकार औंदोलिक अधिकारण/श्रम न्यायालय में ।, चण्डीगढ़

के पंचाट (संदर्भ संख्या 17/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-10 को प्राप्त हुआ था।

[सं. एल-30012/15/2005-आई.आर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 27th January, 2010

S.O. 534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2007) of the Central Government Industrial Tribunal / Labour Court No. 1 Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LPG Bottling Plant, IOCL and their workman, which was received by the Central Government on 27-01-2010.

[No. L-30012/15/2005-IR(M)]

KAMAL BAKHNU, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. No. 17/2007

Shri Man Mohan S/o Shri M.R. Chaudhary, Village & Post Bolina Doaba, Distt. Jalandhar (Punjab).

...Applicant

Versus

(1) The Senior Plant Manager, LPG Bottling Plant, IOCL, Suchi Pind, Jalandhar (Punjab).

(2) M/s. H.P. Karah, Contractor, Village Suchi Pind, PO Chaugitti Jalandhar (Punjab).

...Respondent

APPEARANCES

For the workman : Workman in person

For the Management : Paul S. Saini

AWARD

Passed on 15-1-10

Government of India vide notification No. L-30012/15/2005-IR(M), dated 21-02-2007 by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) referred

the following Industrial dispute for adjudication to this Tribunal :—

“Whether the termination of services of Sh. Man Mohan Singh S/o Sh. M.R. Choudhary, a Mazdoor, w.e.f. 12-10-1992 employed by the management of LPG Bottling Plant, Indian Oil Corporation Ltd., Suchipind, Jalandhar through its contractor M/s. H.P. Karrach, without any notice and payment of retrenchment compensation from the services is legal and justified? If not, to what relief the concerned workman is entitled to and from which date?”

The case in nut-shell of the workman is that he was appointed by the management of Indian Oil Corporation Ltd. in its LPG Bottling Plant and was getting the wages of Rs. 1004 per month. The management is having more than 100 workmen on permanent basis. He was under the administrative control of the management. The management could not have handed over the work of handling of cylinders to a contractor because the management was not allowed to carry out the work being performed by the workman through contract labour. It was prohibited by Ministry of Labour, Government of India vide Notification No. S.O. 734(E) dated 21-10-97 under Section 10 of the Contract Labour (Regularization and Abolition) Act 1971. The management terminated his services without notice, any retrenchment compensation and without seeking the permission from the appropriate Government. The workman has completed 240 days of work in the preceding year from the date of his termination. Accordingly, as per the contention of the workman, his termination is illegal and void being against the provisions of the Act.

The management of the Indian Oil Corporation contested the claim of the workman by filing written statement. It was contended by the management that there has been no employer-employee relationship between the workman and the management of the Indian Oil Corporation. The services of the workman were provided through a contractor. Payment was made good by the contractor and not by the Indian Oil Corporation.

The main issue, accordingly, before this Tribunal is whether there existed a master-servant relationship between the workman and the management of the respondent Indian Oil Corporation? Both of the parties were afforded the opportunity of adducing the evidence. The workman has put the answer of this issue in the mouth of this Tribunal. In his cross-examination dated 02-06-09 the workman stated as under :—

“No appointment letter was issued by the Indian Oil Corporation to me at the time of my

appointment. I do not know what the designation of the Officer who appointed me. At present I do not remember the name as well. I was appointed through contractor to carry out the work of Indian Oil Corporation. Major H.P. Karrah was the contractor. My attendance was marked by a man of contractor. I was paid the wages through contractor. Indian Oil Corporation used to pay the consolidated amount to the contractor and the contractor used to pay the wages. No leave, was sanctioned during my service. There was no procedure for the leave and in case of request no leave was sanctioned. I requested the contractor for leave. The work was taken by the Indian Oil Corporation and there was no supervision of the contractor."

The cross-examination of Sh. Manmohan Singh, the workman, itself prove that he was not appointed by the Indian Oil Corporation. His services were provided to the Indian Oil Corporation by Major H.P. Karrah as a contractor. His attendance was marked by the man of contractor and wages were paid by the contractor. Thus, there had been no master-servant relationship between Indian Oil Corporation and the workman. Administrative control was of the contractor and payment was also made good by the contractor and not by Indian Oil Corporation. Accordingly, there was no employer-employee relationship between the workman and the management of respondent.

The workman has also contended that Indian Oil Corporation was prohibited to engage the contract labour by the Central Government Ministry of Labour. It is also the settled law of service jurisprudence that even if the supply of contract labour is banned by the appropriate Government and in violation of such ban the department carried out the work through contract labour, the contract labour shall not be treated as the employee of the Principle employer. In such cases the Officers of the management who had been responsible for carrying out the work through contractor labour may be subject to criminal prosecution under the provisions of Contract Labour Abolition Act, 1971. Thus, there is no force in the claim of the workman and the reference is answered that the Indian Oil Corporation has not terminated the services of the workman. Workman is accordingly not entitled for any relief. Let Central Government be approached for publication of award, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ

महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 2/22 of 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-10 को प्राप्त हुआ था।

[सं. एल-12011/105/2008-आईआर(बी-II)]

यू. एस. पाण्डेय, डंम्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/22 of 2009) of the Central Government Industrial Tribunal/ Labour Court -2, Mumbai as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 28-01-2010.

[No. L-12011/105/2008-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/22 of 2009

Employers in Relation to the Management of Bank of Maharashtra

The Deputy General Manager,
Bank of Maharashtra,
Mumbai City Region,
Mumbai Samachar Marg,
Fort, Mumbai-400 023

...First Party

Versus

The Joint Secretary,
Bank of Maharashtra Employees Union,
45-47, Mumbai Samachar Marg,
Mumbai-400 023

...Second Party

APPEARANCES

For the employer:

Shri M. B. Anchan, Advocate

For the workmen:

Absent

Date of passing the Award : 23-12-2009

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-12011/105/2008 -IR(B-II) dated 6th February, 2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management Bank of Maharashtra, Mumbai Regional Office, Mumbai by terminating the services of Shri Pravin Solanki w.e.f. 16-3-2007 is justified? What relief the workman Shri Parvin Solanki is entitled to?”

2. Though notice was served on Union vide Exhibit 4 nobody appeared and filed Claim Statement. It reveals that, Union is not interested in proceeding with the reference, Hence, order :

ORDER

Reference is disposed of for want of prosecution.

Bombay,

23rd December, 2009 A. A. LAD, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 2/24 of 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-10 को प्राप्त हुआ था।

[सं. एल-12011/104/2008-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/24 of 2009) of the Central Government Industrial Tribunal/ Labour Court -2, Mumbai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workman,

which was received by the Central Government on 28-01-2010.

[No. L-12011/104/2008-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/24 of 2009

Employers in Relation to the Management of Bank of Maharashtra

The Chief Manager,

Bank of Maharashtra,

Thane Regional Office, B-37,

Wagle Industrial Estate,

Thane (W) 400 604.

And

Their Workmen

The Joint Secretary,

Bank of Maharashtra Employees Union,

45-47, Mumbai Samachar Marg,

Mumbai-400 023

APPEARANCES

For the employer:

Mr. S.A. Kanade, Advocate

For the workman:

Absent

Mumbai, dated this 29th December, 2009

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-12011/104/2008-IR (B-II) dated 06-02-2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Maharashtra, Thane Regional Office, Thane by terminating the services of Ms. Chitra Shinde w.e.f. 02-12-2006 is justified? What relief the workman, Ms. Chitra Shinde is entitled to?”

2. In pursuant to receipt of the reference, notices were sent to parties and were served on the second party union vide Ex.-4 and Ex-7. Nobody appeared on behalf of the second party or filed claim statement. It reveals that second party is not interested in proceeding with this reference. Hence the order :

ORDER

Reference is disposed of for want of prosecution.
Date : 29-12-2009

A.A. LAD, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 537.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैकं ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 2/23 of 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था।

[सं. एल-12011/108/2008-आईआर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/23 of 2009) of the Central Government Industrial Tribunal/ Labour Court -2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 28-01-2010.

[No. L-12011/108/2008-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI****PRESENT**

A.A. LAD, Presiding Officer

Reference No. CGIT-2/23 of 2009

Employers in Relation to the Management of Bank of Maharashtra

The Chief Manager,
Bank of Maharashtra,
Thane Regional Office, B-37,
Wagle Industrial Estate,
Thane (W) 400 604.

AND

Their Workmen

The Joint Secretary,
Bank of Maharashtra Employees' Union,
45-47, Mumbai Samachar Marg,
Mumbai-400 023

APPEARANCES

For the Employer : Mr. S.A. Kanade,
Advocate.

For the Workman : Absent

Mumbai, dated this 29th December, 2009

AWARD

1. The Government of India, Ministry of Labour by its Order No.L-12011/108/2008-IR (B-II) dated 06-02-2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Maharashtra, Thane Regional Office, Thane by terminating the services of Shri Sadanand Khardikar w.e.f. 16-02-2005 is justified? What relief the workman, Shri Sadanand Khardikar is entitled to?”

2. In pursuant to receipt of the reference, notices were sent to parties and were served on the second party union vide Ex.-4 and Ex-7. Nobody appeared on behalf of the second party or filed claim statement. It reveals that second party is not interested in proceeding with this reference. Hence the order:

ORDER

Reference is disposed of for want of prosecution.

Date : 29-12-2009

A.A. LAD, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 538.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैकं ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 2009 का 2/8) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था।

[सं. एल-12011/117/2008-आईआर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 538.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/23 of 2009) of the Central Government Industrial Tribunal Labour Court-2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 28-01-2010.

[No. L-12011/117/2008-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.2, MUMBAI
PRESENT

A.A. LAD, Presiding Officer

Reference No. CGIT-2/8 of 2009

Employers in Relation to the Management of Bank of
Maharashtra

The Deputy General Manager,

Bank of Maharashtra,

Mumbai City Region,

Mumbai Samachar Marg,

Fort, Mumbai-400 023.

...First Party

V/s

The Joint Secretary,

Bank of Maharashtra Employees Union,

45-47, Mumbai Samachar Marg,

Mumbai-400 023

...Second Party

APPEARANCES

For the Employer : Shri M.B. Anchani,
Advocate.

For the Workmen : Absent

Date of passing the Award : 23-12-2009

AWARD

The matrix of the facts as culled out from the
proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No. L-12011/117/2008-IR (B-II) dated 5th February, 2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Bank of Maharashtra, Mumbai Regional Office, Mumbai by terminating the services of Shri Janardhan Dhode is justified? What relief the workman, Shri Janardhan Dhode is entitled to?”

2. Though notice was served on Union vide Exhibit 4 nobody appeared and filed Claim Statement. It reveals that, Union is not interested in proceeding with the reference. Hence, order:

ORDER

Reference is disposed of for want of
prosecution.

Bombay,

23rd December, 2009

A.A. LAD, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारा/श्रम न्यायालय 2, मुम्बई के पंचाट (संदर्भ संख्या 2009 का 2/21) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था ।

[सं. एल-12011/103/2008-आईआर(बी-II)]

यू.एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/21 of 2009) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 28-01-2010.

[No. L-12011/103/2008-IR(B-II)]

U.S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

PRESENT : A. A. LAD, Presiding Officer

Reference No. CGIT-2/21 of 2009

Employers in Relation to the Management of
Bank of Maharashtra

The Chief Manager,
Bank of Maharashtra,
Thane Regional Office, B-37,
Wagle Industrial Estate,
Thane (W) 400 604.

And
Their Workmen

The Joint Secretary,
Bank of Maharashtra Employees Union,
45-47, Mumbai Samachar Marg,
Mumbai-400 023.

APPEARANCES

For the Employer : Mr. S. A. Kanade
Advocate

For the Workman : Absent

Mumbai, dated this 29th December, 2009

AWARD

I. The Government of India, Ministry of Labour by its Order No.L-12011/103/2008-IR(B-II) dated 05-02-2009 in exercise of the powers conferred by clause (d) of sub section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act,1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Maharashtra, Thane Regional Office, Thane by terminating the services of Shri Dhanraj Salve w.e.f. 05-04-2006 is justified? What relief the workman, Shri Dhanraj Salve is entitled to?”

2. In pursuant to receipt of the reference, notices were sent to parties and were served on the second party union vide Ex-4 and Ex-7. Nobody appeared on behalf of the second party or filed claim statement. It reveals that second party is not interested in proceeding with this reference. Hence the order :

ORDER

Reference is disposed of for want of prosecution.

Date : 29-12-2009

A. A. LAD, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2, मुम्बई के पंचाट (संदर्भ संख्या 2/3 ऑफ 2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था।

[सं. एल-31011/4/2003-आई.आर (बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/3 of 2004) of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 28-01-2010.

[No. L-31011/4/2003-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT : A. A. LAD, Presiding Officer

Reference No. CGIT-2/3 of 2004

Employers in Relation to the Management of Mumbai Port Trust

The Chairman,
Mumbai Port Trust,
Port Bhavan, Ballard Estate,
Mumbai 400 038.

First Party

V/s.

Their Workmen

The President,
Transport and Dock Workers' Union,
P. D. Mellow Bhavan,
Carnac Bunder; Mumbai 400 038.

Second Party

APPEARANCE

For the Employer : Mr. M.B. Anchan, Advocate.

For the Workmen : Mrs. Gayantri Singh, Advocate.

Date of reserving the Award : 29-10-2009.

Date of passing the Award : 10-12-2009.

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No.L-31011/4/2003-IR(B-II) dated the 5th January, 2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Mumbai Port Trust, Mumbai, in staggering the weekly day of rest and also changing the shift timings of the workmen employed in Container Equipment Section of Mechanical Engineering Department w.e.f. 11-11-2001 is legal and justified? If not, what relief the said workmen are entitled to and from which date onwards?”

2. To support the subject-matter involved in the reference Claim Statement is filed by the Secretary of the concerned Union at Exhibit 5 making out the case that, dispute was raised by the Union on issue of Notice of change dated 3-11-2001 by which Management was proposing to bring about the change under Section 9(A) of the Industrial Disputes Act, 1947 with effect from 23-11-2001 regarding weekly day off to staggered day off

rest with 3 months rest. Said notice was replied by the Union by its letter dated 5-11-2001 stating that, proposed change is contrary to the prevailing practice and amounted to change in service conditions for them. It is stated that, the Union even by its letter dated 5th November, 2001 requested Regional Labour Commissioner (Central) to admit the dispute in conciliation. It is stated that, even while dispute was pending before Regional Labour Commissioner (Central) another office order dated 6-11-2001 was issued by 1st party seeking to alter shift timings of all the officials, workmen, clerical and time keeping staff working in the Container Equipment Section of Chief Mechanical Engineer's Department. It is stated that, the said change was brought out with effect from 11-11-2001. It is stated by the Union that, by letter dated 19-11-2001 in reply to the said office order addressed to Regional Labour Commissioner (C), it was informed that, it is illegal change and Management cannot bring it. It is stated that, before introducing the abovesaid change, relating to change in weekly off and change in shift timings and when similar dispute relating to the employees of Mobile Crane Section of Chief Mechanical Engineer's Department was pending before the Regional Labour Commissioner (Central), which was sent for adjudication before this Tribunal it is illegal one. It is stated that, with regard to the Mobile Crane Section, Mumbai Port Trust, issued notice of change dated 11-01-2002 seeking similar change relating to change in weekly off and change in shift hours. It is stated that, said is illegal change and dispute was raised by the Union before the Regional Labour Commissioner by letter dated 25-11-2001. It is stated that, said notice was issued by the Management which is under challenge require to set aside. It is stated that, the dispute relating to change in weekly off and change in shift timings of the Container Equipment Section of Chief Mechanical Department was admitted in conciliation on 6-12-2001. It is stated that, however, during pendency of the said complaint 1st Party unilaterally and arbitrarily introduced the change. According to Union weekly off was altered to staggering weekly day of rest from 23-11-2001. It is stated that, it was altered even before expiry of 20 days and said change was introduced. It is stated that, before bringing change in the weekly day of rest from Sunday to staggering weekly day, no discussions with the Union were held. It is stated that, employees have been enjoying the weekly day of rest on Sunday for the last many years from commencement of the container equipment section in 1982. It is stated that, the weekly day of rest has become part of the service conditions of the employees. It is stated that, it has also become part of the custom and privilege enjoyed by workers. It is stated that, therefore before withdrawing any customary concessions and privileges enjoyed by workers, the provisions under the Industrial Disputes Act have to be complied with before changing it. It is stated that, therefore, said change fall under Item 4 of Schedule 4 of Schedule II and items 4, 6 and 8 of the Fourth Schedule. It is stated that, Management is

required to discuss it with the Union before bringing out said proposed change. It is stated that, since it is not done by the Management, it is protected under clause 36 of the Wage Settlement dated 2-8-2000 and said settlement is binding on the Management and the Management cannot bring such change without entering into an agreement with the Union. It is stated that, the said settlement is still in existence and the Management cannot put such terms and conditions and enforce the change in the service conditions. It is stated that, the Management cannot bring such change without entering into agreement with the Union. It is stated that, the proposed change require to set aside with directions to the 1st Party to restore it with benefits and conditions which were prevailing before introducing the change. It is stated that, as per aforesaid change working hours from 8.00 a.m. to 1.00 p.m. have now been increased from 8.00 a.m. to 5.00 p.m. and since staggering weekly rest of days has been introduced of Sunday from 8.00 a.m. to 5.00 p.m. It is stated that, it has drastically altered the service conditions of the employees since now the employees have to work full day of Saturday instead of half day i.e. from 8.00 a.m. to 1.00 p.m. It is stated that, as per the said change not only employees are required to work for full day of Saturday and Sunday but their working hours have also been increased as a whole by half an hour. It is stated that, this amounts to change in service conditions under item 4 of 2nd Schedule of the Industrial Disputes Act, 1947 and 4, 6, 8 of Fourth Schedule which amounts to withdrawal of any customary benefits and privileges without taking consent from the Union. It is stated that, there is absolutely no basis for bringing about the change in shift hours and even there is no financial reason for changing the shift timings. It is stated that, during the original working timings i.e. from 8.00 a.m. to 5.30 p.m. the workers were required to clean the machines from 8.00 a.m. to 9.00 a.m. It is stated that, thereafter the actual work used to commence from 9 a.m. to 12 noon and there was a lunch break from 12 noon to 1 p.m. and not from 12.30 p.m. to 1.30 p.m. as wrongly recorded in the office order dated 6-11-2001. It is stated that, thereafter from 1.00 p.m. to 5.00 p.m. the employees used to perform work and from 5 p.m. to 5.30 p.m. the workers used to perform the work of closing as per scheduled. It is stated that, this change in shift timings completely disrupted the actual work resulting in lower output since the employees are required to work on-whole of saturday. It is stated that; it affected on their working. It is submitted that, change which is made by the Management without consent of the Union regarding weekly day of off rest and shift timings which have been made in contravention of the Industrial Disputes Act, 1947 and request it declared as null and void with directions to the 1st Party to withdraw the same and restore the original weekly day of rest and the shift timings.

3. This is disputed by the 1st Party by filing Written Statement at Exhibit 9 making out the case that, the reference

is not maintainable in present form. 1st Party denies that, the said proposed change is going to affect on the service conditions of the employees working in that Section. It is contended that, the Mobile Crane Section and the Container Equipment Section are two separate and distinct departments and as such the conditions of service applicable to the employees of the Mobile Crane Section do not automatically apply to the employees of the Container Equipment Section or vice versa imposed by the Management. It is stated that, moreover if the employees of the Mobile Crane Section and the Container Equipment Section were part of the same establishment, "Notice of change" for staggering the day of rest would not have been necessary. It is stated that, however both are part of the Mumbai Port Trust and there is no connection with regard to the pending disputes of the Mobile Crane Section and there is no breach of Section 33A of the Industrial Disputes Act, 1947 and no dispute pertaining to the Mobile Crane Section was pending. It is stated that, during the Notice period the dispute was not seized in conciliation. It is stated that, in the notice of change issued on 3-11-2001 it has been mentioned that, the staggered weekly day of rest would come into effect from 23-11-2001 and copy of it was served on the Union and Regional Labour Commissioner (Central) and it was only thereafter the staggered weekly day of rest was introduced. It is stated that, the Assistant Labour Commissioner (C-III), Mumbai seized the matter in conciliation only vide his letter dated 6-12-2001, which was received by the Management on 12-12-2001 i.e. much after the expiry of the notice period after said change was introduced. It is denied that, the Management had not informed the Union about the said proposed changes but merely displayed notice and thereafter arbitrarily and unilaterally brought about the changes. It is stated that, in this regard Management informed the Unions vide letters dated 6-8-2001 about Management's intention to change the shift timings and weekly day of rest of the Section. It is stated that, they were also informed to attend the meeting on 9-8-2001 of 10-8-2001 in that regard but nobody appeared from Union side. It is stated that, as per Clause 36 of Wage Settlement dated 2-8-2000, it has a right to introduce the change. It is stated that, the change effected by the Management is to improve the operational efficient and also to reduce the overall costs as such it cannot be called illegal change for which Management falls under said clause and pray that the reference be rejected.

8. In view of the above pleadings issues were at Exhibit 13 which I answer as follows :

Issues	Findings
(I) Whether the change in shift timings suggested by 1st party is arbitrary and unilateral change in service conditions of employees ?	Yes

(2) Whether 2nd Party is entitled to get it quashed and set aside with directions to 1st Party not to implement it which is brought into force w.e.f. 11-11-2001? Yes

(3) What relief 2nd Party is entitled to get ? Members of the Union can work as per the Schedule which was in existence prior to this change.

(4) What order ? As per Order below.

REASONS :

ISSUES NOS. 1 TO 4 :

9. Union challenge the change in weekly day off and change in shift timings of workers employed in Mobile Crane Section of Chief Mechanical Engineer's Department which is introduced with effect from 11-11-2001 and request to declare it as null and void. Against that, case of the Management that it has a right to do so.

10. In support of its case Management examined its witness, Ramakrishna Narayan Mohadikar, by filing his affidavit at Exhibit 14 in lieu of his examination-in-chief, who narrates the same story as stated above in the Written Statement and states that, the change introduced by the 1st Party is legal and the 2nd Party is not entitled to get it quashed and set aside. As far as Union is concerned it has not challenged the affidavit filed by the Management and there is no cross by the other side i.e. by the concerned Union and it has not examined any witness nor it has filed any affidavit in lieu of examination-in-chief. Besides Union states that it affects on the working conditions of the employees. By mere reading of the proposed change which extends the working hours of the employees as well as affect on taking weekly off of the employees definitely which is the customary right of the workers working in the department. Admittedly by said change Management is going to reduce that facility and when it is case of the Management that it called a meeting on 9-8-2001 and 10-8-2001 to discuss the said change, however, no representative from the Union attended that meeting, this itself shows that, there was no consent of the Union and there was no discussion of the Management with the Union on the policy change and admittedly it was introduced when dispute was pending before Regional Assistant Labour Commissioner (C) (Conciliation Officer) regarding employees of the Mobile Crane Section of Chief Mechanical Engineer's Department. When Mobile Crane Section and the Container Equipment Section are part of 1st Party and when same question was pending regarding

change in shift timings and weekly day off, definitely it question the move of the Management in bringing or introducing a change in other departments. When there was a dispute pending about the same subject matter which Management was effecting in service conditions of the employees of other department and when other department is involved in the reference are part and parcel of the Management, definitely Management cannot introduce this change unless and until it is consented by the Union and unless decision is given by the Competent Authority. Besides, Management admits that no representative from Union attended the meeting and when that change is introduced immediately by the Management and not consented by the union and when it is challenged definitely then it require to consider whether it is legal and justified?

(9) Here notice of change was introduced without consent of the Union and when dispute was pending before Regional Labour Commissioner (C) which is Competent Authority, it appears that, still said change was introduced. In these premises one has to declare that, it is illegal change introduced by the Management regarding staggering of weekly off and change in shift timings of the workers employed in the Container Equipment Section of Chief Mechanical Engineering Department, which was brought w.e.f. 11-11-2001 by the Management. According to me said change is illegal which require to set aside with directions to the Management to follow the shift timings of the workmen employed in the Container Equipment Section of the Chief Mechanical Engineering Department which was there prior to 11-11-2001 since said change is illegal which definitely affects on the service conditions of the employees working in the Containers Equipment Section of Chief Mechanical Engineer's Department. In this premises I am of the considered view that, the Management cannot continue with such change. So I observe that, it is illegal change and it require to set aside with directions to the Management to discontinue it and allow the workers to work as per the shift timings which was prevailing prior to 11-11-2001. So I conclude that, the said change is illegal.

Hence, I pass the following order :

ORDER

- (a) Reference is allowed;
- (b) the alleged change dated 11-11-2001 is illegal and set aside with directions to 1st Party to permit the workers to work as per shift timings which were prevailing before 11-11-2001 as far as workmen employed in Container Equipment Section of Chief Mechanical Engineering Department are concerned;
- (c) there is no order as to its costs.

Bombay, 10th December, 2009

A. A. LAD, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 541.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, चेन्नई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 122/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था ।

[सं. एल-12012/111/2003-आई आर(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/2003) of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India, Chennai and their workman, which was received by the Central Government on 28-01-2010.

[No. L-12012/111/2003-IR (B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 25th January, 2010

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 122/2003

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of State Bank of India, Chennai and their workmen)

BETWEEN

Sri R. Nagarajan : I Party/Workman

And

The General Manager, : II Party/Management
State Bank of India, Region II,
Chennai.

APPEARANCE

For the Workman : M/s. Aiyar & Dolia &
N. Krishnakumar, Advocates

For the Management : M/s. K.S.Sundar,
M. Asha Devi, Advocates

AWARD

The Central Government, Ministry of Labour vide Order No. L-12012/111/2003-IR(B-II) dated 31-07-2003 has referred this industrial dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :—

“Whether the action of the management of State Bank of India in imposing the punishment of dismissal from service of Sri R. Nagarajan is legal and justified? If not, what relief he is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D.No.122/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner joined the services of the Respondent/Bank as a Clerk on 7-5-1981. He was transferred to various places and at the time of the incident, he was working in Kancheepuram branch. While so, the Respondent/Management issued a memo dated 24-2-1997 to the Petitioner and other staff in Kancheepuram branch alleging that the Petitioner and other staff failed to verify the specimen signature in withdrawal slips before posting the same in ledgers and thereby caused loss to bank to the tune of Rs.89,300/-. Not only that the Chief Manager of Kancheepuram branch lodged a complaint to the police and on the request of Chief Manager, the police has detained the Petitioner from 17-4-97 to 19-4-97 and illegally tortured him and brought him to branch on 19-4-97 and he was forced to make some entries in a duplicate passbook in respect of one S.B. Account No.95/21379 of Sri S.Mohan and also by force obtained his signature in some blank papers. Further, the police kept him under judicial custody from 20-4-97 to 2-6-97 and he was placed under suspension by the Respondent Bank by an order dated 24-4-97. Further, based on the documents obtained by force, torture and illegality, the Respondent/Bank issued a charge sheet dated 21-7-97 and the Petitioner filed a Writ Petition No.15230/97 praying to quash the enquiry proceedings. In the criminal proceedings in C. C. No. 295/99 charge sheet was issued to him and criminal trial was conducted against him. Though the Respondent has given undertaking before the High Court that they would not proceed the departmental enquiry, the Respondent/Management has proceeded with the domestic enquiry. The Petitioner, after the dismissal of the Writ Petition filed a Writ Appeal and the Writ Appeal was disposed on 17-7-2000 and against that order, the Petitioner preferred a Special Leave Petition before the Supreme Court. The Petitioner represented before the Enquiry Officer that enquiry proceedings may be kept pending till he gets stay order in his SLP before Supreme Court. But, the Enquiry Officer instead of accepting his plea proceeded with the

enquiry on day to day basis and he has examined four witnesses even before the matter came up for admission in the Supreme Court. The Petitioner after the disposal of SLP pleaded with the Enquiry Officer to give him an opportunity to cross examine the said four witnesses. But, the Enquiry Officer without considering the same, merely rejected his request. The Respondent/Management has refused to furnish relevant documents to the Petitioner in the enquiry. Even the Enquiry Officer failed to give an opportunity for inspection of documents. Therefore, reasonable opportunity was denied to the Petitioner and the principles of natural justice have been violated. Only Xerox copy of the documents were produced before the enquiry and in spite of the Petitioner's objection, they were produced and marked as exhibits. The Enquiry Officer even without verifying the originals relied on Xerox copies of documents whatever produced by the Respondent. Hence, the whole enquiry is not proper. Further, the Enquiry Officer failed to give an opportunity to the Petitioner to examine his witnesses in the enquiry on the allegation that the Petitioner, in the very beginning, did not give the list of witnesses. Thus, the whole enquiry is bad in law, unfair and unjust. The Enquiry Officer with his biased attitude abruptly closed the enquiry proceedings and submitted his perverse findings on 20-6-2001, the Petitioner's request for ten days time was not allowed for producing defence representative. Failure to permit the Petitioner for inspection of documents relied on and asked by him and non-supply of documents violates the principles of natural justice and further refusal to supply copies of documents asked for amounts to denial of principles of natural justice. Further, no single document was properly introduced in the enquiry and thus, it vitiates, the entire enquiry. Confessional statement of the Petitioner and also other persons were not properly introduced and not confirmed by the marker of instruments and not introduced by any witness in the enquiry. But, the Enquiry Officer had relied on these documents, which shows his predetermined mind to punish the Petitioner, which vitiates the entire enquiry proceedings. Even the High Court and Supreme Court has held that statements made behind the back of the person charged are not to be treated as evidence is on the basic principle which cannot be ignored on the mere ground that domestic Tribunal are not bound by technical rules or procedure contained in the Evidence Act. Under such circumstances, the reliance placed by the Enquiry Officer on these documents is not proper and legal. Therefore, no evidence value can be attached to these documents. Hence, for all these reasons, the Petitioner prays that the non-employment of the Petitioner is not justified and therefore, he wants this Tribunal to direct the Respondent to reinstate him in service with continuity of service, back wages and other attendant benefits.

4. In the Counter Statement, the Respondent raised contentions which briefly read as follows :

In the Counter Statement the Respondent/Management has contended that no doubt, the Petitioner was appointed as Clerk on 7-5-1981 but it was represented that while he was working in Kancheepuram branch, it was reported that the Petitioner indulged in certain grave misconducts and committed fraud in account of one Mr.S.Mohan who was maintaining a S.B. Account in Kancheepuram branch. Further, in order to conceal the fraud, the Petitioner unauthorisedly prepared a passbook and forged the signature of the accountholder resulting in a loss of Rs.1,42,800. For this charge sheet dated 11-8-98 was issued to the Petitioner and since the reply of the Petitioner was not satisfactory, the domestic enquiry was ordered to be conducted against him. The Petitioner was not represented by any defence representative and he availed the full opportunity in the enquiry. There were totally 11 enquiry sittings. In the meantime, the Petitioner filed a Writ Petition before the High Court praying for quashing the enquiry proceedings which was dismissed and an appeal preferred by the Petitioner against that W.P. was also dismissed. The Petitioner attended the enquiry on 29-11-2000 and pleaded not guilty and required permission for engaging an advocate. Since the request was declined, the Petitioner sought for 15 days time and it was granted. When the list of documents and list of witnesses were about to be submitted, the Petitioner walked out the enquiry proceedings. On 15-12-2000, the Petitioner objected for conduct of enquiry as he has filed Special Leave Petition in the Supreme Court. Since there was no stay, the enquiry was directed to be continued. Even at that stage, the petitioner pleaded for deferring the cross examination, which was refused and the Petitioner failed to cross examine the witnesses. Thereafter in some of the proceedings, the Petitioner cross examined the witnesses. Since the Petitioner did not produce the defence witnesses, the Enquiry Officer submitted his report. This was made after discussing all the relevant points in his report. The Petitioner appeared before the Disciplinary Authority and even after considering his representation the Disciplinary Authority has given punishment and even in that appeal, the Appellate Authority after considering the submissions made by the Petitioner has confirmed the punishment imposed by the Disciplinary Authority. The Petitioner's past service and loss of Rs. 1,42,800 were considered by the authorities and only after that they have imposed the punishment. It is false to allege that he was not given copies of documents. When the documents were about to be submitted, the Petitioner walked out the proceedings. It is also false to allege that the Enquiry Officer has refused to grant permission for cross examining the witnesses. It is only the Petitioner who has refused to cross examine some of the witnesses. Further, the Petitioner did not produce his witnesses in the enquiry nor he seek time for examination of his witnesses and therefore, it is false to allege that the request of the Petitioner to examine his witnesses was refused by the Enquiry Officer. The Enquiry

Officer in his report recorded the reasons and the same are as per law and therefore, the domestic enquiry held against the Petitioner is just and proper and the punishment imposed by the Respondent Management is proportionate and commensurate with the charges framed against him. The nature of charge is so serious and the Respondent/Bank has lost confidence in the Petitioner and the punishment imposed on the Petitioner is legal and justified, hence no relief can be granted to the Petitioner. Furthermore, the Respondent/Bank is a custodian of public funds and hence, the Petitioner should not be permitted to be continued in service. Hence, the Respondent prays that the claim may be dismissed with costs.

5. During enquiry on an urge on behalf of the Petitioner, the Preliminary Issue: mainly whether the domestic enquiry conducted is just and proper was tried marking Ex.W1 to Ex.W3 from the petitioner's side and Ex.M1 to Ex.M12 on the Management's side. By an order dated 22-12-2004 the domestic enquiry held was found to be not just and proper giving an opportunity to the Respondent to adduce evidence to establish the charges against the workman. Both the Petitioner and the Respondent challenged the finding by way of Writ Petition Nos. 5116 of 2005 and 3785 respectively which were disposed by a common order dated 12-11-2009 by the Hon'ble High Court of Madras. The Hon'ble High Court concurred with the finding of the Tribunal rejecting the plea of the Respondent, however, granting the workman an opportunity to adduce evidence by filing a memo listing out the documents and names of witnesses that he seeks to examine as witnesses and thus, remanded the matter for further enquiry and to arrive at a decision afresh under which the petitioner/workman was allowed to let in evidence by way of additional evidence.

6. After remand, both the parties entered appearance, pursuant to notice. Petitioner filed documents. He got himself examined as WW1 by way of cross-examination after filing affidavit in lieu of Chief Examination. Ex.W1 to Ex.W19 were marked which is objected to by the other side on the alleged ground that Ex.W11 to Ex.W18 are extraneous and subsequent to the order of dismissal and therefore not relevant or admissible through the petitioner as a competent witness. On the Respondent's side Ex.M1 to Ex.M13 were marked. No further oral/documentary evidence was adduced on behalf of the Respondent.

7. Points for consideration are :

- (i) Whether the dismissal of the petitioner by the Respondent from service is legal and justified?
- (ii) To what relief the concerned workman is entitled?

Points Nos. 1 & 2

8. It is argued on behalf of the petitioner that in Ex.W1 (FIR) the name of the petitioner is not there. The enquiry

was conducted against the petitioner following the charge sheet containing four charges which the petitioner denied. The enquiry was denying, reasonable and fair opportunity to the petitioner whereafter he was dismissed on 09.10.2000. As per the remand order of the High Court, the impugned order of the Tribunal was not set aside and opportunity was given to the workman to lead evidence as well as to the Respondent. It is contended on behalf of the petitioner that the charges do not remain proved, since even after remand the Respondent has not adduced any evidence and hence the charges do not stand further proved. The learned counsel for the petitioner invited this Tribunal's attention to the decision of the Apex Court in NEETA KAPLISH VS. PRESIDING OFFICER, LABOUR COURT AND ANOTHER (1999-SCC-1-517) wherein it has been held "in the instant case, the appellant had questioned the domestic enquiry on a number of grounds including that her own answers, in reply to the questions of the Presiding Officer, were not correctly and completely recorded and that the Enquiry Officer was not impartial and was biased in favour of the Respondent. It was further contended that her own witnesses were not called and she was not given the opportunity to lead evidence, The Labour Court has discussed a few of these grounds but has not given any finding on the bias of the Enquiry Officer or the ground relating to incorrectly recorded the statement of the appellant. The Labour Court, however found that the enquiry was not fairly and properly held. It was after recording this finding that the Labour Court called upon the Management to lead evidence on merits which it did not do." The learned counsel for the petitioner continued to argue that after remand the Respondent did not adduce any counter evidence except Ex.M13 proceedings. The petitioner as WW1 has deposed in terms of his case and it shows that he cannot be fastened with liability of the four charges in the charge sheet dated 11-08-1998, his learned counsel further submits.

9. The contra argument on behalf of the Respondent advanced by his learned counsel is that the admitted plea of the petitioner that he made entries in pass book under coercion from Police does not stand established for which the burden is entirely on the petitioner. The objection against the relevancy and admissibility of Ex.W11 to Ex.W18 is only sustained, they being related to post facto events.

10. The learned counsel for the Respondent further contended that it is setting aside the enquiry finding the High Court directed that the further evidence to be adduced is to be treated as additional evidence whereas according to the petitioner's learned counsel the enquiry proceedings have been found to be vitiated by this Tribunal. It is true that this Tribunal found the enquiry to be vitiated. When the same was impugned before the Hon'ble High Court of Madras though it concurred with the fact that the enquiry has not been fair and proper discernibly as revealed from

the order of the High Court it refrained from passing any specific order setting aside the order of this Tribunal on the Preliminary issue for the reason that such a course is not normal, which if available could be urged after passing the final order by the Tribunal. Though the said order has been allowed to be intact the finding in the domestic enquiry has been set at naught by the High Court keeping the evidence in the domestic enquiry intact and at the same time seeking the same to be set right by way of additional evidence allowed to be adduced from the side of either party to the extent it is deficient. The Hon'ble High Court has also mentioned that the order on the preliminary issue is open to challenge together with the final award if and as and when challenged. After the remand the petitioner has come to the box to let in evidence which is by way of additional evidence by which the petitioner was being given an opportunity to defend his stand ad cure the lacunae in domestic enquiry. The present concern is with the cumulative effect of both the sets of evidence taken together and considered what is the result of the enquiry? That is to say, a finding can be entered as to whether the petitioner is guilty on the basis of some legal evidence let in or it is not possible to do so in the absence of any evidence at all. What is required in Industrial Adjudication is evidence of the nature of preponderating probability and not evidence of the nature as required in criminal trial. What is logically probative to a prudent mind as furnished from materials could be valid to lead to conclusive finding. Even hearsay evidence is not forbidden where there is rational nexus and reliable credibility pointing to the existence of a fact, sought to be proved. The decision cited by the learned counsel for the petitioner does not apply to the facts of the case since as is discernible from order of the Hon'ble High Court of Madras, the original evidence adduced by the domestic tribunal does not stand obliterated and what is permitted by way of the order of remand is additional evidence to be adduced by the petitioner and the Respondent to substantiate their respective contentions, predominantly to offer opportunity to the petitioner to make good his failure or inability to let in or rebut evidence during the domestic enquiry. Even with that opportunity having been made available to the petitioner and no further evidence adduced on behalf of the Respondent, the petitioner's case does not stand proved better to substantiate his contention that he is not guilty of the charges levelled against him. Therefore, it is only to be held that the petitioner is guilty of the charges. So found.

11. Coming to the question of punishment what is germane for consideration is whether the same is proportionate to the gravity of the offence. As to what shall be the punishment in a given case when is invariably the prerogative of the Management an Industrial Tribunal shall not also overlook the fact that the larger interests of justice, equity and good conscience have also their sway in the matter of punishment especially when the same might

be lost sight of by the Disciplinary Authority without any volition to do so. Here is a petitioner/workman who moved up to the Apex Court in the same cause though eventually he had to meet with no success. Needless to say, he has had to suffer a lot mentally, physically and economically. Though not a tangible punishment one has to take into account such a punishment as well when ultimately the petitioner fatigued in mind and body after the long legal fight is to be visited with the sanction of law under a disciplinary action. Hence, the capital punishment of "dismissal" from service imposed on him is to be replaced by an order of punishment of "compulsory retirement from service" which would extend to him the benefits of superannuation which he would otherwise have become entitled to. I am fortified in holding so because understandably the considerations weighed with the Disciplinary Authority to impose the punishment of dismissal from service on the petitioner are that the bank has lost confidence on him and he cannot be continued in service and therefore he must go out of service by way of forfeiture for his erratic conduct. The said purpose could well be met by a modification and reduction of punishment into one of compulsory retirement which is equivalent to the stigma of service death. I am reminded of the power of an Industrial Tribunal to direct such a reduction of punishment in appropriate cases invoking S.11A of ID Act as it is trite law that punishment could be modified/reduced in deserving cases by sustainable speaking orders not only when the punishment is more than proportionate to the gravity of the offence but also on any other good, valid and bottomline reasons.

12. Hence the Management/Respondent is directed to modify the punishment into compulsory retirement. The petitioner is entitled to relief to that extent.

13. The reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th January, 2010)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : WW1, Sri R. Nagarajan

For the II Party/Respondent : None

On the petitioner's side

EX.No. Date Description

EX.W1 19-12-1996 Copy of FJR

EX.W2 24-02-1997 Copy of Memo to petitioner

EX.W3 14-06-1997 Copy of Lawyers Notice

EX.W4 27-06-1997 -do-

EX.W5 21-07-1997 Copy of Memo to the petitioner

EX.W6 13-08-1997 Copy of Lawyers Notice

EX.W7	13-02-1998	Copy of Handwriting expert opinion.
EX.W8	11-08-1998	Copy of the chargesheet
EX.W9	06-11-1998	Copy of the explanation
EX.W10	09-10-2001	Copy of the Dismissal order
EX.W11	21-11-2005	Copy of the Deposition of Srinivasaragavan
EX.W12	16-03-2007	Copy of the Deposition of Govindaraj
EX.W13	01-08-2007	Copy of the Deposition of Chandran
EX.W14	01-08-2007	Copy of the Deposition of Arumugam
EX.W15	01-08-2007	Copy of the Deposition of Dhayalan
EX.W16	01-08-2007	Copy of the Deposition of Sankaran
Ex.W17	28-12-2007	Copy of the Deposition of Balaraman
Ex.W18	28-12-2007	Copy of the Deposition of Varadarajan
EX.W19	12-11-2009	Copy of the Writ Petition Nos. 3785 and 5116 of 2005

On the Management's side

EX.No.	Date	Description
Ex.M1	11-08-1998	Chargesheet
Ex. M2	06-11-1998	Reply
EX.M3	Nil	Enquiry Report
Ex. M4	19-10-2001	Proposed-punishment
EX.M5	21-09-2001	Personal hearing
EX.M6	17-11-2001	Submission in personal hearing of Petitioner before Appellate Authority
EX.M7	17-11-2001	Personal hearing before Appellate Authority
EX.M8	01-12-2001	Order of the Appellate Authority
EX.M9	28-06-1999	Order in Writ Petition No. 10287/1999
EX.M10	27-07-1999	Order in Writ Petition No. 10738/1999
EX.M11	07-06-2000	Order in Writ Petition No. 4352/2000
EX.M12	17-07-2000	Order in Writ Appeal No. 1467/1999

नई दिल्ली, 29 जनवरी, 2010

का.आ. 542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स शरत चटर्जी एण्ड कम्पनी प्रा. लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 23/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था।

[सं. एल-34012/4/2005-आई.आर.(बी-II)]

यू. एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 23/2006) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. Sarat Chatterjee Co. Pvt. Ltd. and their workman, which was received by the Central Government on 28-01-2010.

[No. I-34012/4/2005-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri Ved Prakash Gaur, Presiding Officer

Dated the 25th day of June, 2009

Industrial Dispute No. 23/2006

BETWEEN

The General Secretary,

Visakhapatnam Port & Dock Mazdoor Sangh,

H. No. 53-20-21/1, Chaitanyanagar,

Visakhapatnam—530013.Petitioner

AND

The General Manager,

(Admn. & Operation),

M/s. Sarat Chatterjee & Co. (Visakhapatnam) Pvt. Ltd.
28-2-47, Daspalla Centre, Suryabagh,

Visakhapatnam—530020.Respondent

APPEARANCES

For the Petitioner : M/s. O. Srinivas, K. Bhavani
Shankarudu & Shaik
Madeena Valli, Advocates

For the Respondent : Sri B. Raghava Reddy,
Advocate.

AWARD

The Government of India, Ministry of Labour by its order No. L-34012/4/2005-IR-(B-II) dated 14-2-2006 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Sarat Chatterjee & Co. and their workmen. The reference is,

SCHEDULE

“Whether the demand of the Visakhapatnam Port & Dock Mazdoor Sangh for payment of retrenchment compensation etc. to their member workmen viz. S/Shri Kuppuri Danaya and 7 others, Ex-Rowing Boat Workers (as per the list), according to their eligibility, by the management of M/s. Sarat Chatterjee & Co. (Visakhapatnam) Pvt. Ltd. Visakhapatnam is legal and/or justified? If not, to what relief the concerned union is entitled?”

The reference is numbered in this Tribunal as I.D. No. 23/2006 and notices issued to the parties.

2. The Petitioner union filed claim statement stating that the Petitioner workmen are Rowing Boat workers ferrying the personnel and labour engaged by the management. It is submitted that the Dock Labour Board itself is providing transport facility to its employees due to which the Petitioner workmen become jobless and they were not provided with any job nor any compensation. It is prayed to direct the management to pay retrenchment compensation to each individual applicant.

3. The Respondent filed counter. It is submitted that the Petitioner workmen are not the employees working under the Respondent and there is no employer and employee relationship between the applicant workmen and the Respondent and hence, the petition is not maintainable.

4. On 25-6-2009, when the case called out for evidence of Petitioner, Petitioner called absent and Petitioner did not turn up for filing evidence affidavit since 2007, as such, the chance to file evidence affidavit of Petitioner is closed. Hence, Petitioner's evidence is closed. Accordingly, Nil Award is passed in absence of any evidence, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 25th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 29 जनवरी, 2010

का.आ. 543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जी. आर.इंटरप्राइजेस के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 21/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था।

[सं. एल-34011/8/2005-आई.आर.(बी-II)]

यू.एस. पाण्डेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 21/2006) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial dispute between the employees in relation to the management of M/s. G.R. Enterprises and their workman, which was received by the Central Government on 28-01-2010.

[No. L-34011/8/2005-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL-TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT : Shri Ved Prakash Gaur, Presiding Officer

Dated the 25th day of June, 2009

Industrial Dispute No. 21/2006

BETWEEN

The General Secretary,
Visakhapatnam Port & Dock Mazdoor Sangh,
H. No. 53-20-21/1, Chaitnayanan,
Visakhapatnam—530013.Petitioner

AND

The Partner

M/s. G.R. Enterprises,
(Steamer Agents,, Stevedores,
C & F Agents), Flat No. 3, Daspalla Layout,
Visakhapatnam—530001.Respondent

APPEARANCES

For the Petitioner :	M/s. O. Srinivas, K. Bhavani Shankarudu & Shaik Madeena Valli, Advocates
For the Respondent :	M/s. Chintalapudi Sanjeewa Rao & Chintalapudi Syamasundara Rao, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-34011/8/2005-IR-(B-II) dated 5-1-2006 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. G.R. Enterprises and their workmen. The reference is,

SCHEDULE

“Whether the demand of the Visakhapatnam Port & Dock Mazdoor Sangh for payment of retrenchment compensation etc. to their member workmen viz. S/Shri S. Thataji and 3 others, Ex-Rowing Boat Workers (as per the list), according to their eligibility, by the management of M/s. G.R. Enterprises Visakhapatnam is legal and/or justified? If not, to what relief the concerned workmen is entitled?”

The reference is numbered in this Tribunal as I.D. No. 21/2006 and notices issued to the parties.

2. The Petitioner union filed claim statement starting that the Petitioner workmen are Rowing Boat workers ferrying the personnel and labour engaged by the management. It is submitted that the Dock Labour Board itself is providing transport facility to its employees due to which the Petitioner workmen become jobless and they were not provided with any job nor any compensation. It is prayed to direct the management to pay retrenchment compensation to each individual applicant.

3. The Respondent filed counter. It is submitted that the Petitioner workmen are not the employees working under the Respondent and there is no employer and employee relationship between the applicant workmen and the Respondent and hence, the petition is not maintainable.

4. On 25-6-2009, when the case called out for evidence of Petitioner, Petitioner called absent and Petitioner did not turn up for filing evidence affidavit since 2007, as such, the chance to file evidence affidavit of Petitioner is closed. Hence, Petitioner's evidence is closed.

Accordingly, Nil Award is passed in absence of any evidence. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 25th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 29 जनवरी, 2010

का.आ. 544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे. एम. बक्सी एण्ड कम्पनी शिपिंग एजेंट एण्ड स्ट्रीवडोपोरस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचायत (संदर्भ संख्या 24/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2010 को प्राप्त हुआ था।

[सं. एल-34012/5/2005-आई.आर.(बी-II)]

यू. एस. पांडेय, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 24/2006) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. G. M. Baxi & Co. Shipping Agents & Stevedopores and their workmen, which was received by the Central Government on 28-01-2010.

[No. L-34012/5/2005-IR(B-II)]

U. S. PANDEY, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT : Shri Ved Prakash Gaur, Presiding Officer

Dated the 25th day of June, 2009

Industrial Dispute No. 24/2006

BETWEEN

The General Secretary,

Visakhapatnam Port & Dock Mazdoor Sangh,

H. No. 53-20-2/1, Chaitanya Nagar,

Visakhapatnam—530013.

....Petitioner

AND

The General Manager,

M/s. G. M. Baxi & Co. Shipping Agents & Stevedopores
Manganese House, 1st floor, Harbour Road.

Visakhapatnam—530001.Respondent

APPEARANCES

For the Petitioner : M/s. O. Srinivas, K. Bhavani
Shankarudu & Shaik

Madeena Valli, Advocates

For the Respondent : M/s. Chintalapudi Sanjeeva
Rao & Chintalapudi
Syamasundara Rao,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-3 1012/5/2005-IR-(B-II) dated 14-2-2006 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. G.M. Baxi & Co. and their workmen. The reference is,

SCHEDULE

“Whether the demand of the Visakhapatnam Port & Dock Mazdoor Sangh for payment of retrenchment compensation etc. to their member workmen viz. S/Shri V. Pydiraju and 3 others, Ex-Rowing Boat Workers (as per the list), according to their eligibility, by the management of M/s. G. M. Baxi. & Co. Visakhapatnam is legal and/or justified? If not, to what relief the concerned union is entitled?”

The reference is numbered in this Tribunal as I.D. No. 24/2006 and notices issued to the parties.

2. The Petitioner union filed claim statement starting that the Petitioner workmen are Rowing Boat workers ferrying the personnel and labour engaged by the management. It is submitted that the Dock Labour Board itself is providing transport facility to its employees due to which the Petitioner workmen become jobless and they were not provided with any job nor any compensation. It is prayed to direct the management to pay retrenchment compensation to each individual applicant.

3. The Respondent filed counter. It is submitted that the Petitioner workmen are not the employees working under the Respondent and there is no employer and employee relationship between the applicant workmen and the Respondent and hence, the petition is not maintainable.

4. On 25-6-2009, when the case called out for evidence of Petitioner, Petitioner called absent and Petitioner did not turn up for filing evidence affidavit since 2007, as such, the chance to file evidence affidavit of Petitioner is closed. Hence, Petitioner's evidence is closed. Accordingly, Nil Award is passed in absence of any evidence, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 25th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 3 फरवरी, 2010

का.आ. 545.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, श्रम और रोजगार मंत्रालय के प्रशासकीय नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके न्यूनतम 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

क्रम संख्या	कार्यालय का नाम
1.	उप-क्षेत्रीय कार्यालय, उडुपि
2.	उप-क्षेत्रीय कार्यालय, पीण्डा
3.	उप-क्षेत्रीय कार्यालय, राजमंडी
4.	उप-क्षेत्रीय कार्यालय, सागर
5.	उप-क्षेत्रीय कार्यालय, दार्जीलिंग

[सं. ई-11017/1/2006-रा.भा. नी.]

के. एम. गुप्ता, आर्थिक सलाहकार

New Delhi, the 3rd February, 2010

S.O. 545.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 (as amended in 1987) the Central Government hereby notifies following under the administrative control of the Ministry of Labour and Employment, at least 80% Staff whereof have acquired working knowledge of Hindi :—

S. No.	Name of the Office
1.	Sub Regional Office, Udupi
2.	Sub Regional Office, Peenya
3.	Sub Regional Office, Rajmundry
4.	Sub Regional Office, Sagar
5.	Sub Regional Office, Darjeeling.

[No. E-11017/1/2006-RBN]

K.M. GUPTA, Economic Advisor

नई दिल्ली, 29 जनवरी, 2010

का.आ. 546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आदित्या सीमेन्ट वर्क्स के प्रबंधतां के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या सीजीआईटी-73/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-2010 को प्राप्त हुआ था ।

[सं. एल-29012/19/2005-आई.आर.(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. CGIT- 73/2005) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Aditya Cement Works and their workman, which was received by the Central Government on 12-1-2010.

[No. L-29012/19/2005-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT, JAIPUR

Case No. CGIT-73/2005

Reference No. L-29012/19/2005

Dated : 15-7-2005

Sh. Baluram Mali
Secretary, B.M.S. Chittorgarh,
Through Shri Baldev Maud
S/o Sh. Amba Shankar Maud,
R/o Saigya, PO Similiya
Chittorgarh-312025

....Applicant

Versus

The Executive President
M/s. Aditya Cement Works
Adityapura, Distt : Chittorgarh

....Non-applicant

Present :

Presiding Officer : Dr. Manju Nigam

For the applicant : Sh. Baldeo Maud
For the non-applicants : Sh. R. S. Chawhan
Date of award : 20-11-2009

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following industrial disputes for adjudication to this Tribunal which runs as under : -

“Whether the contention of the Union that the workman had worked with the management of Aditya Cement Works for a period more than 240 days prior to his termination from service is correct? If so, whether the action of the management in terminating the services of the workman justified? If not, to what relief the workman is entitled?

Pursuant to the receipt of this reference to this court notices were issued to both the parties on 30-8-2005. On receipt of notice workman appeared and on 14-9-2005 workman filed statement of claim wherein it was alleged that he was appointed as Additional Operator in the mines of non applicant M/s Aditya Cement works w.e.f. 10-3-1994 and had worked continuously 240 days within a calendar year. He had worked in the mine industries of non-applicant w.e.f. 10-3-1994 to 15-4-2004 when his services were terminated without giving any notices to him. He had worked for more than nine years in the mine industries of the no applicant. There existed the relationship of employer and employee. Hence the order of termination is being illegal and liable to be set aside and he be reinstated.

Notices were issued to the non-applicant. Even after receiving the copy on 14-9-2005 reply was not filed. Consequently ex-parte proceeding was drawn against the non-applicant on 26-10-2005 and the case was fixed for ex-parte evidence. On 26-10-2005 on behalf of the non-applicant Shri Mohit Gupta filed his attorney along with the application for setting aside the order to proceed ex-parte dt. 4-10-2005. On filing the application for setting aside the order dated 4-10-2005, ex-parte proceedings was set aside. Non-applicant filed reply denying the statement of claim. It was denied that the workman applicant had ever in the employment of the non-applicant. Workman was

never appointed as additional operator in the mines on 10-3-1994 or any subsequent date as has been alleged by him.

Further the relation of employer and employee between the claimant workman and non-applicant is also denied. It was contended, that, in fact the workman was an employee of contractor M/s. Krishna Trading Company and was receiving payment from it accordingly. Workman, while concealing this fact, with malafied intention, filed the aforesaid reference. For the reasons claimant is not entitled to any relief, reference hence liable to be rejected!

Claimant thereafter filed an application stating that he had never been directly in the employment of non applicant but in fact he was an employee of contractor M/s. Krishna Trading Company with whom some dispute has arisen due to which he had filed the aforesaid reference against the non-applicant. He had wrongly filed the dispute against the non-applicant. Now all the disputes have been settled. Hence he does not want to proceed with the reference as no dispute is exist between the parties.

The onus lies on the workman to prove his claim for which no evidence could be brought on behalf of the workman. He has failed to establish his claim. Hence, the claim deserves to be rejected.

Consequently the reference is answered in negative. The workman is not entitled to any relief. It is also held that action of non applicant in terminating the workman service is legal and justified and workman is not entitled for any relief and award is passed accordingly.

Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

Dr. MANJU NIGAM, Presiding Officer

नई दिल्ली, 29 जनवरी, 2010

का.आ. 547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 30/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2010 को प्राप्त हुआ था ।

[सं. एल-12012/188/2008-आई.आर.(बी-1)]

सुरन्द्र सिंह, डंस्क अधिकारी

New Delhi, the 29th January, 2010

S.O. 547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 30/2009) of the Central Government Industrial Tribunal/Labour Court

Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of South Indian Bank and their workman, which was received by the Central Government on 29-1-2010.

[No. L-12012/188/2008-IR (B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Tuesday, the 19th January, 2010

Present : **A. N. Janardanan, Presiding Officer**

INDUSTRIAL DISPUTE No. 30/2009

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of the South Indian Bank and their Workman]

BETWEEN

Sri A. Fredrick Constantine : Petitioner/1st Party
Old No. 26, New No. 55
First Street, Varaganeri
Trichy-8

Vs.

: Respondent/2nd Party

The Chairman
The South Indian Bank
Head Office, T. B.

Appearance :

For the Petitioner : In Person

For the Management : M/s. T. S. Gopalan & Co.

AWARD

The Central Government, Ministry of Labour *vide* its Order No. L-12012/188/2008-IR (B-I) dated 16-2-2009 referred the following Industrial Dispute to this Tribunal for adjudication:

The schedule mentioned in that order is :

“Whether the action of the management of the South Indian Bank, Thrissur, in terminating services of Sri Fredrick Constantine, an ex-Peon, is fair and justified? If not, to what relief the workman is entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 30/2009. Pursuant to notice under RPAD, both sides entered appearance, first party in person and the Second Party through Advocate and filed their Claim and Counter Statement as the case may be.

3. The case in the Claim Statement in a nutshell is as follows :

The petitioner joined under the Respondent Bank as Clerk in 1979. On some charges, he was terminated from service on 25-1-1992. On an ID referred, he was ordered to be put in a lower rank on 30-11-2000. Thus he was re-appointed as Peon at Anandavadi branch on 9-12-2002. It is denied that he shouted at the customers on 17-2-2006 as alleged in the first charge. It is also denied that he was drunk and abused bank officials, threatened to kill them and that tried to smash the counter by his fist. In fact they shouted at him and threatened him with throwing him jobless at any time. It is denied that he hit the officials with footwear or bolted front door of the branch from outside. The main reason for dismissing him from service is that questioning deduction of Rs. 4,000 from his salary, he sent a lawyer notice to the bank and also asked individual payroll sheet which was refused. The charges are cooked up against him. Hence the prayer.

4. In the Counter Statement, the contentions raised precisely read as follows :

The petitioner after re-posting as Peon as per award of the Tribunal exhibited quarrelsome behaviour, dereliction in duty, became disobedient, spoke ill of the bank outside and was disinterested in new work. His probation had to be extended from time to time, though confirmed on 29-3-2004. He had incurred several loans. Large amount of Rs. 59,245.43 was due to the bank at the time of his dismissal. There was money decree of Civil Court against him. He was addicted to alcoholism. On his demotion as Peon he was frustrated. He was in anger against the local Manager and staff. By nature he was quarrelsome and defiant in nature. In the enquiry held after suspending the petitioner, following his aggressive behaviour after being in a totally drunken state threatening the bank officials to kill them and trying to smash the counter and trying to hit Mr. A. V. Bhaskaran with chappal he was placed under suspension. The enquiry held was providing him the assistance of a lawyer. He was dismissed on 23-3-2007 and the same is fully justified and is valid. He did not prefer any departmental appeal. The findings do not call for interference. He is not entitled to any relief.

5. Points for consideration are :

- Whether the dismissal of the petitioner from the service is fair and justified.
- To what relief the concerned workman is entitled?

Point No. 1 and 2

6. In this ID the petitioner whose cause of dismissal from service is espoused by himself has not come forward to prosecute the case after having filed the Claim Statement. Though he was attempted to be served with notices several times including by PRAD, he did not turn up to let in any evidence to substantiate his contentions. The petitioner

was dismissed from service on 23-03-2007 for his proved misconduct by means of an enquiry held against him. He was given the assistance of a lawyer which is normally not done and has been therefore a departure from the normal rules regarding disciplinary proceedings. The enquiry proceedings cannot be found to be vitiated or illegal or perverse. The finding also cannot be found to be illegal or improper. Therefore, the enquiry and the findings are only to be upheld as valid and legal and it is found so.

7. Coming to the aspect of punishment of dismissal from service of the petitioner, according to me it strikes a note of caution in that it has exceeded a bit by being punishment of the capital nature. Here is a petitioner who entered service as a Clerk and later reinstated-demoted as Peon as per the award of the Industrial Tribunal which sought to reduce an order of earlier dismissal from service of the petitioner for some anterior misconduct proved committed by him. Even the past record of the petitioner being so, the petitioner has not chosen to mend his conduct even after his reinstatement into service and demotion as a Peon which was in the wake of a award of the Industrial Tribunal superseding an earlier order of dismissal from service as Clerk. Even according to the Respondent, the petitioner was of a quarrelsome nature and he was defiant. After his demotion as Peon from the post of Clerk he was not showing any interest at all in his work. Further according to the Respondent as averred in the Counter Statement, the petitioner ran into the risk of huge loans and was not in a position to discharge them. He was also addicted to alcoholism. Again the petitioner indulged in aggressive and criminal aptitude towards the bank, its officials and the staff rendering a situation in which discernibly the bank lost confidence in him, though not so pleaded in the Counter Statement.

Therefore, it is well that the Respondent ought to and has terminated him from service. According to me, the dismissal from service while disentitles him to his terminal benefits, the punishment thereby could be found to take to itself characteristic of a punishment of a disproportionate nature. When the petitioner becomes an incumbent in which the bank has lost confidence in him and cannot be endured any longer it is appropriate that he is no longer kept in service in order to avoid all harassments and discomfort

that one may have endure. But that shall not be by putting him in economic death by dismissing him from service. The same purpose could well be achieved by some other alternative punishment of a removal from service or even by making him compulsorily retire in which event he may reap terminal benefits. Since the petitioner is shown to be person hard hit financially as well as being sick such a course could have been the most appropriate in the matter of the punishment to be awarded to him. Therefore, the punishment of dismissal from the service is disproportionate to the gravity of the offence and the same is to be modified and reduced to compulsory retirement or just a removal from service. This stand obviously is not a gesture of sympathy, alien to consideration contextually, but is the outcome of an objective approach guided by notions of justice, equity and good conscience. Let the petitioner who must go out by way of forfeiture be sent out with some benefits for his services till rendered. So, the Respondent is directed to modify the punishment as above. To that extent the petitioner is entitled to some relief.

8. The points are answered accordingly and the reference answered as above.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 19th January, 2010)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :-

For the I Party/Petitioner : None
For the II Party/Management : None

Documents Marked :-

On the Petitioner's side

Ex. No.	Date	Description
		Nil

On the Management's side :

Ex. No.	Date	Description
		Nil